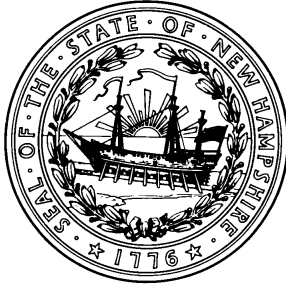


NEW HAMPSHIRE GENERAL COURT



JOURNAL of the HOUSE OF REPRESENTATIVES

containing the
1993 Session
December 2, 1992
through
September 15, 1993

HAROLD W. BURNS
SPEAKER

WARREN W. LEARY, JR.
SERGEANT-AT-ARMS

JAMES A. CHANDLER
CLERK

LEO J. CALLAHAN
ASSISTANT CLERK

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REGULAR SESSION OF 1993

HOUSE JOURNAL NO. 1

Wednesday, December 2, 1992

The House assembled at 1:00 p.m.

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and ninety-two, it being the day designated by the Constitution for assembling, the one hundred and fifty-third General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by James A. Chandler, House Clerk for the preceding session.

Prayer was offered by Reverend Edward Horstmann, Pastor of the First Congregational Church of Hopkinton:

O God of all our beginnings, unite us in a common quest to seek Your truth and to serve with passion the people of this state. And grant unto each member of this legislative body the gifts of humor, insight and compassion, that their work together may be carried out in peace and for the sake of Your justice. Amen.

Reps.-elect Lee and Hilliard led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps.-elect Splaine and Bell, the day illness.

Reps.-elect Katharin Pratt, Rheault and David Flanders, the day important business.

CALL OF THE ROLL

BELKNAP COUNTY

Dist. No. 1	(2)	Carl R. Johnson, r&l; David M. Lawton, r&l
Dist. No. 2	(2)	Robert J. LaFlam, r; Thomas B. Salatiello, d
Dist. No. 3	(2)	Thomas G. Cain, r; Robert S. Hawkins, r
Dist. No. 4	(2)	Richard H. Campbell, Jr., r&d; William R. Hauck, r
Dist. No. 5	(3)	Paul A. Golden, r; Linda Ann Smith, r; Alice S. Ziegler, r&d
Dist. No. 6	(1)	Gordon E. Bartlett, r
Dist. No. 7	(6)	Glenn E. Dewhurst, r; Robert G. Holbrook, r; Thomas E.P. Rice, Jr., r; Ralph J. Rosen, r; Robert H. Turner, r; Niel C. Young, r&l

CARROLL COUNTY

Dist. No. 1	(1)	Gene G. Chandler, r&d
Dist. No. 2	(2)	Nanci A. Allard, r&d; Howard C. Dickinson, r&d
Dist. No. 3	(1)	Henry P. Mock, r&d
Dist. No. 4	(1)	Donald R. Philbrick, r
Dist. No. 5	(2)	Richard L. Cogswell, r; L. Randy Lyman, r
Dist. No. 6	(1)	Gordon E. Wiggin, r&d
Dist. No. 7	(1)	Mildred A. Beach, r
Dist. No. 8	(1)	Jeb E. Bradley, r&d
Dist. No. 9	(1)	Allen R. Wiggin, r
Dist. No. 10	(2)	Robert W. Foster, r; Howard N. Saunders, r

CHESHIRE COUNTY

Dist. No. 1	(1)	Paul McGuirk, d
Dist. No. 2	(2)	Sarah K. Bonneau, d; Absent
Dist. No. 3	(1)	Wanda G. McNamara, r
Dist. No. 4	(1)	Robert F. Delano, r
Dist. No. 5	(1)	Irene A. Pratt, d&r
Dist. No. 6	(1)	Edwin O. Smith, r
Dist. No. 7	(1)	William A. Riley, d&r
Dist. No. 8	(2)	Stephen G. Avery, r&l; Daniel M. Burnham, d

- Dist. No. 9** (2) Joseph P. Manning, r&d; H. Charles Royce, r&d
Dist. No. 10 (1) John B. Hunt, r&l
Dist. No. 11 (2) Stacey W. Cole, r; David M. Perry, r
Dist. No. 12 (1) Barbara H. Richardson, d
Dist. No. 13 (1) Katherine H. Metzger, r
Dist. No. 14 (1) Benjamin J. DePecol, d
Dist. No. 15 (1) Ronald G. Russell, d
Dist. No. 16 (1) H. Thayer Kingsbury, d
Dist. No. 17 (1) Gertrude B. Pearson, r
Dist. No. 18 (1) Timothy N. Robertson, d
Dist. No. 19 (3) Richard L. Champagne, d; Katherine D. Foster, d; Margaret A. Lynch, d

COOS COUNTY

- Dist. No. 1** (2) Frederic A. Foss, r&d; Gerald P. Merrill, r
Dist. No. 2 (1) Absent
Dist. No. 3 (1) Lynn C. Horton, r
Dist. No. 4 (1) Leighton C. Pratt, r
Dist. No. 5 (1) Harold W. Burns, r&d
Dist. No. 6 (2) Paula E. Bradley, d; Lawrence J. Guay, r&l
Dist. No. 7 (5) Henry W. Coulombe, d&r; Tyler P. Harwell, d; Marie C. Hawkinson, d&r; Edgar Mears, d&r; James P. Wiswell, d

GRAFTON COUNTY

- Dist. No. 1** (3) Stephanie Eaton, r; Richard L. Hill, r; Kathleen W. Ward, r
Dist. No. 2 (1) Richard T. Trelfa, r
Dist. No. 3 (1) Deborah P. McIlwaine, d&r
Dist. No. 4 (1) Bonnie Ham, r&l
Dist. No. 5 (2) Paul I. LaMott, r&d; Douglass P. Teschner, r&d
Dist. No. 6 (2) Paul K. Chase, Jr., r; Paul R. White, r
Dist. No. 7 (2) William J. Driscoll, r&d; Absent
Dist. No. 8 (2) Edward Gordon, r; Nils H. Larson, Jr., r
Dist. No. 9 (1) Alson W. Brown, r
Dist. No. 10 (4) Marion L. Copenhaver, d; Elizabeth L. Crory, d; Robert H. Guest, d; Sharon L. Nordgren, d
Dist. No. 11 (2) Patricia B. Brown, d&l; David M. Scanlan, r,d&l
Dist. No. 12 (1) William B. Rose, r&d
Dist. No. 13 (1) Clifton Below, d
Dist. No. 14 (4) Carl S. Adams, r; Pamela B. Bean, r&d; Channing T. Brown, r&d; Karen O. Wadsworth, r&d

HILLSBOROUGH COUNTY

- Dist. No. 1** (1) Gordon Allen, d
Dist. No. 2 (1) Ervin R. Lachut, r
Dist. No. 3 (1) Maxwell D. Sargent, r
Dist. No. 4 (1) Roland A. Sallada, r
Dist. No. 5 (2) Neal M. Kurk, r&l; Paul R. Perkins, r
Dist. No. 6 (1) Elizabeth A. Moore, r
Dist. No. 7 (5) Ruth E. Gage, d; Bruce F. Hunter, r; Daniel P. Mc Nerney, r; Karen K. McRae, r; Robert L. Wheeler, r
Dist. No. 8 (2) Merton S. Dyer, r; Stanley W. Peters, r
Dist. No. 9 (1) Eleanor H. Amidon, r
Dist. No. 10 (1) Linda T. Foster, d
Dist. No. 11 (1) Howard F. Mason, r
Dist. No. 12 (1) Paul L. Drolet, r
Dist. No. 13 (4) Amy L. Bagley, d; Gary L. Daniels, r; Charles W. Ferguson, r; Keith Moncrief, r

- Dist. No. 14** (3) Garret P. Cowenhoven, r; Carol H. Holden, r; Elizabeth D. Lown, r
Dist. No. 15 (4) Dorothy C. Bowers, r; M. Virginia Burke, r&d; Dana F. Kelley, r; Barbara A. Upton, r;
Dist. No. 16 (1) Peter F. Wells, Sr., r
Dist. No. 17 (2) Leon Calawa, Jr., r&d; Loren Jean, r
Dist. No. 18 (8) Frederick G. Ahrens, r; Emma M. Dodge, r; Dennis H. Fields, r; Gary C. Greenberg, r; Robert N. Kelley, r; Robert J. L'Heureux, r; Robert Milligan, r; Finlay C. Rothhaus, l&r
Dist. No. 19 (1) Bonnie B. Packard, r&d
Dist. No. 20 (2) Thomas I. Arnold, Jr., r; Betty B. Hall, d
Dist. No. 21 (1) Gregory L. Hanselman, i&d
Dist. No. 22 (2) Susan B. Durham, r; George W. Wright, r
Dist. No. 23 (6) Shawn N. Jasper, r; Rudy Lessard, d; Stanley N. Searles, Sr., r; Joan C. Tate, r; Alida Weergang, r; Absent
Dist. No. 24 (3) Andrew J. Borsa, l&r; James J. Fenton, r; Vacancy
Dist. No. 25 (1) Leonard A. Smith, r
Dist. No. 26 (3) Robert S. Mercer, r; Alice Barnard Record, r; Stanley R. Vanderlosk, r
Dist. No. 28 (3) Norman R. Bergeron, d; Robert A. Daigle, d; Sylvia A. Holley, r
Dist. No. 29 (3) David E. Cote, d&r&l; Alphonse A. Haettenschwiller, d; John W. Smart, d
Dist. No. 30 (3) Donnalee M. Lozeau, r; Paula L. Philbrook, d; Kathryn Toomey, d
Dist. No. 31 (3) Jane A. Clemons, d&r; Roland J. Lefebvre, d; Richard A. Soucy, d&r
Dist. No. 32 (3) Lucien Bergeron, d; Claudette R. Jean, d; Roland A. Morrisette, d
Dist. No. 33 (3) Elizabeth A. Cepaitis, r; Bonnie Lou McCann, r; Absent
Dist. No. 35 (1) Frederick B. Andrews, r; Francis X. Donovan, d&r; Mary Ellen Martin, d&r
Dist. No. 36 (1) David B. Holt, r
Dist. No. 37 (1) A. Theresa Drabinowicz, d&r
Dist. No. 38 (3) Barbara E. Arnold, r; Nick Hart, r; David T. Mittelman, r
Dist. No. 39 (3) Richard F. Ahern, d; Winston H. McCarty, r; Michael Morello, r
Dist. No. 40 (3) Theodora P. Nardi, d; Joanne A. O'Rourke, d; Alphonse Plourde, d
Dist. No. 41 (3) Madelyn T. Ahlgren, d; Lionel W. Johnson, d; Leo P. Pepino, r
Dist. No. 42 (3) Daniel J. Healy, d; Roger B. Larochele, d; J. Francis Laughlin, d
Dist. No. 43 (3) Leona Dykstra, r; Robert E. Murphy, d; Donna M. Soucy, d
Dist. No. 44 (3) Edward J. Crotty, d&r; Patricia R. Dwyer, d; Charles J. Leclerc, d
Dist. No. 45 (3) Raymond Buckley, d; Jacquelyn M. Domaigne, r; Frances L. Riley, r
Dist. No. 46 (3) William J. Desrosiers, r; Glen Gervais, d; Gerald O. Gosselin, d&r
Dist. No. 47 (3) Irene M. Messier, r; Frank J. Reidy, d; John M. White, d
Dist. No. 48 (3) Robert P. Asselin, d; Rodolphe G. Paquette, d; Roland M. Turgeon, d
Dist. No. 48 (3) Robert Chabot, r; Eugene L. Gagnon, r; Absent

MERRIMACK COUNTY

- Dist. No. 1** (2) Earle W. Chandler, r; John P. Chandler, r
Dist. No. 2 (3) Thomas G. Houlahan, r; William F. Kidder, r; Avis B. Nichols, r
Dist. No. 3 (2) Thea G. Braiterman, d,r&l; Barbara C. French, d
Dist. No. 4 (1) Rick A. Trombly, d&r
Dist. No. 5 (1) Michael D. Whalley, r
Dist. No. 6 (1) Derek Owen, d
Dist. No. 7 (3) Susan D. Carter, r; C. William Johnson, r; Richard E. Kennedy, r
Dist. No. 8 (1) Joyce M. Johnson, d&r
Dist. No. 9 (4) Richard A. Barberia, r; Robert A. Lockwood, r; Henry F. Stapleton, r; Jack B. Willis, r
Dist. No. 10 (2) Douglas E. Hall, r; Charles B. Yeaton, d
Dist. No. 11 (3) Lowell D. Apple, r&d; Ray F. Langer, r; Terence R. Pfaff, r&d
Dist. No. 12 (4) Gabriel J. Daneault, d&r; Randall F. Shaw, r; Jay Ward, d&r&l; Vacancy
Dist. No. 13 (3) Martin Feuerstein, r&d; Robert M. Gilbreth, r; James A. Whittemore, r
Dist. No. 14 (1) Mary C. Holmes, r
Dist. No. 15 (1) Matthew Newland, d&r

- Dist. No. 16** (1) Michael J. Hill, r
Dist. No. 17 (1) Paul R. Fillion, r
Dist. No. 18 (1) Caroline L. Gross, r&d
Dist. No. 19 (1) Carol Moore, d
Dist. No. 20 (1) Bert Teague, r
Dist. No. 21 (1) Jennifer G. Soldati, d
Dist. No. 22 (1) Katherine D. Rogers, d
Dist. No. 23 (1) Marjorie Buessing, r
Dist. No. 24 (3) Miriam D. Dunn, d; Mary Jane Wallner, d; John F. Weeks, Jr., r

ROCKINGHAM COUNTY

- Dist. No. 1** (1) Robert A. Johnson, r
Dist. No. 2 (1) Margaret Boyle Terninko, d
Dist. No. 3 (1) William E. Williamson, r&l
Dist. No. 4 (1) Richard G. Newman, d
Dist. No. 5 (1) C. Donald Stritch, r
Dist. No. 6 (1) Tommy J. St. Martin, d&r
Dist. No. 7 (1) Joseph E. Stone, r&d&l
Dist. No. 8 (1) Donald W. Gorman, l&d
Dist. No. 9 (2) Patricia L. Cote, r; William H. Crum, Jr., r
Dist. No. 10 (1) Jon P. Beaulieu, r
Dist. No. 11 (1) Charles H. Cote, r
Dist. No. 12 (3) Thomas C. Hemenway, r; Marian E. Lovejoy, r&d; Calvin Warburton, l&r
Dist. No. 13 (11) Kathryn Aranda, r; Janet M. Conroy, r&d; Sandra K. Dowd, r&d;
 Patricia A. Dowling, r; Robert Fesh, r; George N. Katsakiores, r&d;
 Phyllis M. Katsakiores, r&d; Rebecca Lee, r; Maurice B. MacDonald, r;
 Donald J. Miller, r; Robert A. Pullman, r
Dist. No. 14 (1) Natalie S. Flanagan, r
Dist. No. 15 (2) Vivian R. Clark, r; Edward M. Putnam, II, r
Dist. No. 16 (2) LeRoy S. Dube, r&d&l; Merilyn P. Senter, r,d&l
Dist. No. 17 (2) Bill Johnson, r; Peter M. Simon, r
Dist. No. 18 (4) Marjorie Battles, r&d&l; John W. Flanders, Sr., r&d;
 David A. Welch, r,d&l; Kenneth L. Weyler, r&d
Dist. No. 19 (3) Albert W. Caswell, d; Betsy Coes, d&r; Joseph Schanda, Sr., d
Dist. No. 20 (5) Sherman E. Chester, Sr., r; Carmela M. DiPietro, r;
 Thaddeus E. Klemarczyk, r; James R. Rosencrantz, d; Absent
Dist. No. 21 (3) Charles H. Felch, Sr., r; Benjamin E. Moore, r; Patricia M. O'Keefe, d
Dist. No. 22 (5) Andrew Christie, Jr., r; Bonnie Groves, d; Sharleene P. Hurst, r;
 Kenneth W. Malcolm, r; Absent
Dist. No. 23 (1) Absent
Dist. No. 24 (2) Herbert R. Drake, r&d; Eugene Ritzo, r&d
Dist. No. 25 (3) Louis Gargiulo, r&l; Deborah L. Woods, r&l; Absent
Dist. No. 26 (9) Stephen W. Buco, r; Marilyn R. Campbell, r; Beverly A. Gage, r;
 Fred A. Kruse, r; Richard Noyes, r; Bernard J. Raynowska, r;
 Arthur W. Smith, r; Donna P. Sytek, r; John J. Sytek, r
Dist. No. 27 (3) Janet S. Arndt, r; Patricia M. Skinner, r,d&l; Carol A. Yennaco, r&d&l
Dist. No. 28 (1) Arthur P. Klemm, Jr., r
Dist. No. 29 (7) Daniel P. Blake, r; William P. Boucher, r; Martin N. Bove, r;
 Karen K. Hutchinson, r; Sherman A. Packard, r; Absent; Absent
Dist. No. 30 (1) Laura C. Pantelakos, d&l
Dist. No. 31 (1) Martha Fuller Clark, d
Dist. No. 32 (1) Harold G. Crossman, Jr., r
Dist. No. 33 (2) Anthony Syracuse, d; Absent
Dist. No. 34 (1) Cecelia D. Kane, d
Dist. No. 35 (2) Cynthia A. McGovern, d; Charles L. Vaughn, d
Dist. No. 36 (1) Absent

STRAFFORD COUNTY

- Dist. No. 1** (1) William H. Nehring, r
Dist. No. 2 (1) Robert E. McKinley, r
Dist. No. 3 (2) Ronald Chagnon, d; Henry P. Sullivan, d&r
Dist. No. 4 (1) John O'Brien, d
Dist. No. 5 (1) Barbara L. Spear, r
Dist. No. 6 (2) Elaine M. Hashem, d; George T. Musler, r
Dist. No. 7 (1) Patricia A. Hambrick, d
Dist. No. 8 (4) Suzanne K. Loder, d; Amanda A. Merrill, d,r&l; Deborah F. Merritt, d; Katherine W. Wheeler, d&r
Dist. No. 9 (1) Janet G. Wall, d&r
Dist. No. 10 (1) Richard O. Wasson, r&l
Dist. No. 11 (4) Gary R. Gilmore, d&r; Roland E. Hemon, d&r; William V. Knowles, d&r; William H. McCann, Jr., d
Dist. No. 12 (4) Arthur J. Pelletier, d; Marsha Pelletier, d; Ann M. Torr, r; Franklin Torr, r
Dist. No. 13 (1) William K. Kincaid, d
Dist. No. 14 (4) Dana S. Hilliard, r; Donald P. Pageotte, d; Clair A. Snyder, d; Francis C. Vincent, d
Dist. No. 15 (2) Frank D. Callaghan, d; Rose Marie Rogers, d
Dist. No. 16 (2) Clyde J. Douglass, r; Absent
Dist. No. 17 (2) George F. Brown, d; Julie M. Brown, r
Dist. No. 18 (2) Patricia Dunlap, r; Raymond A. Lundborn, d&r
Dist. No. 19 (2) Gregory McGrath, d&r&l; Ralph W. Torr, r

SULLIVAN COUNTY

- Dist. No. 1** (1) Peter Hoe Burling, d
Dist. No. 2 (1) Thomas A. Behrens, r&d&l
Dist. No. 3 (1) Merle W. Schotanus, r&d
Dist. No. 4 (3) Gordon B. Flint, r&d&l; Fredrik Peyron, r&l; Beverly T. Rodeschin, r&d
Dist. No. 5 (1) Carol M. Stamatakis, d
Dist. No. 6 (1) Irene C. Domini, r
Dist. No. 7 (1) Eric N. Lindblade, r&d
Dist. No. 8 (1) John R. Cloutier, d
Dist. No. 9 (1) Ann C. Holl, d
Dist. No. 10 (1) David C. Allison, d&r
Dist. No. 11 (2) Joan S. Kane, d; Lorraine R. Palmer, d

With 383 members having answered the call of the roll, a quorum was declared present.

Reps.-elect Burns and Trombly offered the following:

RESOLVED, that a committee of four be appointed to wait upon Secretary of State William M. Gardner, the Acting Governor and the Executive Council, and inform them that a quorum of the House is assembled and requests their attendance.

Adopted.

The Clerk appointed Reps.-elect Healy, Leclerc, Boucher and LaMott.

Secretary of State William M. Gardner having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Earl A. Rinker, Councilor-elect Robert Hayes and Governor-elect Stephen R. Merrill and Mrs. Merrill. The members-elect, having presented their credentials, were duly qualified by the Acting Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

The Acting Governor, Executive Councilors and Governor-elect retired.

INTRODUCTION OF GUESTS

Mary Ritzo, wife of Rep. Ritzo. Mary Jane Thorpe and Elaine Doran, guests of Rep. Buckley. Yvette Asselin and Susan Mitchell, mother and guest of Rep. Asselin. Carmen, Phillip and Paul Bergeron, wife and sons of Rep. Norman Bergeron. Beth Marony, guest of Rep. Hilliard. Heather Avery, daughter of Rep. Avery. Janet Rose and Gertrude Papalau, wife and sister of

Rep. Rose. June Dolloff and Paul Dufault, guests of Reps. Gilbreth and Whittemore. Former Rep. Yvonne Coulombe, wife of Rep. Coulombe. Laurie Jasper, wife of Rep. Jasper. William Bradley, husband of Rep. Paula Bradley. Richard Jamison and Justin Franks, guests of Rep. Franks. James and Melissa Burke, husband and daughter of Rep. Burke. Rose Flanders, guest of Rep. Fields. Hugh and Andrea Lee, parents of Rep. Lee. Richard and Melissa Tatum, Christina Jacobs, Tracy Nudd and Ann Vasquez, guests of Rep. Rodeschin. Katherine Lessard, wife of Rep. Lessard. Lisa and Laura Lundborn, daughter and wife of Rep. Lundborn. Dr. Michael Mittleman, father of Rep. Mittleman. Col. Donald Manchester and Ann Ackerman, guests of Rep. Ackerman. Robert and Elizabeth Barry, parents of Rep. Buessing. Charles, Wanda and Brandon Cote, guest, wife and son of Rep. Charles Cote. Mary and Donna Fenton, wife and daughter of Rep. Fenton. Rose Finklestein, Kathy, Joshua, Mrs. Greenberg and family, grandmother, wife, son, mother and guests of Rep. Greenberg. Jack Dowd, husband of Rep. Dowd. Maryann and Bill Foster and Maryann and R. J. Irving, guests of Rep. Robert Foster. Carol Welch, wife of Rep. Welch. Carol and Andrew Perkins, guests of Rep. Perkins. Douglas Yennaco and Kathleen DiFruscia, husband and guest of Rep. Yennaco. Maryanne and Joyce Moncrief and Mr. & Mrs. Joseph Carvalho, wife, daughter and in-laws of Rep. Moncrief. Therese Wasson, wife of Rep. Wasson.

ELECTION OF HOUSE SPEAKER

The Clerk declared that nominations for Speaker were in order.

Rep. Borsa placed the name of Rep. Gorman in nomination for Speaker. Rep. Warburton seconded the nomination.

Rep. Buckley placed the name of Rep. Trombly in nomination for Speaker. Reps. Soldati and Burling seconded the nomination.

Rep. Gross placed the name of Rep. Burns in nomination for Speaker. Reps. Michael Hill and Ann Torr seconded the nomination.

There being no further nominations the Clerk declared the nominations closed.

Rep. Gorman withdrew his name from nomination.

After the balloting was closed, the Clerk appointed Reps. Channing Brown, Beverly Gage, Jasper and Ward as tellers representing Rep. Burns, and Reps. Burling, David Cote, William McCann and O'Rourke as tellers representing Rep. Trombly to tally the vote.

RECESS

With 233 members having voted for Rep. Burns, 150 members having voted for Rep. Trombly and 1 member having voted for Rep. Gorman, the Clerk declared Rep. Burns duly elected speaker of the House.

Rep. Trombly moved that the vote for Rep. Burns be made unanimous and spoke to his motion.

Adopted.

Reps. Gross and Trombly escorted Rep. Burns and Mrs. Burns to the rostrum.

(Speaker Burns in the Chair)

The Speaker addressed the House.

APPOINTMENTS

The Speaker made the following appointments:

Deputy Speaker - Rep. Michael J. Hill

Majority Leader - Rep. Caroline L. Gross

Democratic Leader - Rep. Rick A. Trombly

Majority Whip - Rep. Ann M. Torr.

Assistant Majority Leader, Rep. Shawn N. Jasper

The Speaker made the following temporary re-appointments to the Committee on Administrative Rules Committee in order to enable that Committee to function until appointments are made for the 1993-94 session: Reps. Wadsworth, Mercer, Jasper, Copenhagen and William McCann.

ELECTION OF HOUSE OFFICERS

The Speaker declared nominations were in order for Clerk, Assistant Clerk and Sergeant-at-Arms.

Rep. Skinner placed in nomination the name of James A. Chandler for Clerk. Rep. David Cote seconded the nomination.

Rep. Rodeschin placed in nomination the name of Leo J. Callahan for Assistant Clerk.

(Rep. Michael Hill in the Chair)

Rep. Copenhaver seconded the nomination.

(Speaker Burns in the Chair)

Rep. Robert Kelley placed in nomination the name of Warren W. Leary for Sergeant-at-Arms. Rep. Ziegler seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for the nominees.

The Chair declared Mr. Chandler elected Clerk, Mr. Callahan elected Assistant Clerk and Mr. Leary elected Sergeant-at-Arms.

RESOLUTION

Reps. Gross and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a State Treasurer and a Secretary of State.

Adopted.

SENATE MESSAGE

The Senate has met and organized and has elected as its officers Sen. Ralph Degnan Hough, President; Gloria Randlett, Clerk; Lois Schmelzer Assistant Clerk; Richard Wiggin, Sergeant-at-Arms; and Emil Martineau, Doorkeeper.

RECESS**SENATE MESSAGE**

The Senate is ready to meet with the House of Representatives for the purpose of electing the Secretary of State and State Treasurer.

JOINT CONVENTION**(Speaker Burns presiding)**

The Chair declared nominations were in order for Secretary of State.

Rep. Healy placed the name of William M. Gardner in nomination for Secretary of State. Sen. Hough seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared William M. Gardner duly elected Secretary of State.

The Chair declared nominations in order for State Treasurer.

Rep. Bonnie Packard placed the name of Georgie A. Thomas in nomination for State Treasurer. Sen. Fraser seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mrs. Thomas.

The Chair declared Georgie A. Thomas duly elected State Treasurer.

Reps. Healy and Bonnie Packard and Sens. Hough and Fraser escorted Mrs. Thomas and Mr. Gardner to the rostrum.

The Chair administered the oath of office to Mr. Gardner, Mrs. Thomas, Mr. Chandler, Mr. Callahan and Mr. Leary.

Mrs. Thomas and Mr. Gardner addressed the House briefly.

Sen. Blaisdell and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

(Rep. Michael Hill in the Chair)

Reps. Gross and Trombly offered the following:

HOUSE RESOLUTION NO. 1

RESOLVED, that the House adopt the rules of the 1992 session as printed in the 1991 Black Book, with amendments from the 1992 Session and that any House rule may be amended by majority vote through the last Thursday of January (January 28th)

Reps. Gross and Trombly spoke in favor

The Chair yielded to a question.

Adopted.

Reps. Gross and Trombly moved that the House amend Rule 67 by deleting the entire rule and inserting the following:

67. Legislative action in the first-year session shall be subject to the following deadlines:

WEDNESDAY, DECEMBER 9, 1992 — The final day for both re-elected incumbents and new members to file bill-drafting requests including all supplementary or necessary drafting information.

FRIDAY, DECEMBER 18, 1992 — The final day for all members to sign off all drafting requests shall be 10 days after receipt by the sponsor of the draft legislation from the Office of Legislative Services or December 18 whichever is earlier.

Rep. Gross spoke in favor.

Adopted.

Reps. Marilyn Campbell and Copenhaver offered the following:

HOUSE RESOLUTION NO. 2

RESOLVED, that the Speaker appoint a committee of three to assign seats to members.

Adopted.

The Chair appointed Reps. Ann Torr, Rodeschin and Soldati.

Reps. Kidder and Nardi offered the following:

HOUSE RESOLUTION NO. 3

RESOLVED, that a committee of 11 members be appointed by the Speaker to select a suitable person to act as Chaplain during the 1993 session of the Legislature and report such selection to the House for consideration.

Adopted

The Chair appointed Reps. Guay (Chairman), Golden, Allard, Adams, Searles, Musler, Peyron, Bell, Katherine Foster, Cecelia Kane and Katherine Rogers.

Reps. Leonard Smith and David Cote offered the following:

HOUSE RESOLUTION NO. 4

RESOLVED, that action taken at all sessions of the House of Representatives be recorded through the public address system on tapes, and that said tapes be used, by the House and the Clerk, within three legislative days to confirm and correct the permanent Journal. The permanent Journal as thus prepared by the Clerk and as corrected by the House shall be the official record of the House, and be it further

RESOLVED, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections to the same. Adopted.

Reps. Dickinson and O'Rourke offered the following:

HOUSE RESOLUTION NO. 5

RESOLVED, that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary as per RSA 17-E:5.

Adopted.

Reps. Beverly Gage and Braiterman offered the following:

HOUSE RESOLUTION NO. 6

RESOLVED, that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he may deem necessary; that the Speaker be authorized to employ such other per-

sonnel as he deems necessary, and with the approval of the House Subcommittee of the Committee on Legislative Facilities, fix their compensation as per RSA-17-E:5.

Adopted.

Reps. Flanagan and Guest offered the following:

HOUSE RESOLUTION NO. 7

RESOLVED, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees are payable in advance. The subscriber list may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms with the approval of the Speaker and paid into the state treasury and credited to the legislative appropriation.

Adopted.

Reps. Horton and Betty Hall offered the following:

HOUSE RESOLUTION NO. 8

RESOLVED, that the Speaker, after consultation with the Minority Leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which, in his opinion, would make it dangerous for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation, the House shall meet on the following legislative day. Any member who travels to Concord, or who is already in Concord on legislative business on any day that a meeting of the House is cancelled under the authority of this resolution, shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Reps. Robert Johnson and Dunn offered the following:

HOUSE RESOLUTION NO. 9

RESOLVED, that members will be paid their legislative salary, as provided in the Constitution, in the month of January 1993, and be it further

RESOLVED, that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

Reps. Gross and Trombly offered the following:

HOUSE RESOLUTION NO. 10

Whereas, the general election in Hillsborough county district 24 has ultimately resulted in a tie between Thomas J. Kirby and Richard G. Hagan; and

Whereas, this House has both the constitutional authority to settle this matter by voting to seat one of these candidates and a great and honorable tradition of endorsing the concept of home rule; and

Whereas, we believe that the voters of that district have already indicated by their close vote that they wish to be represented in the general court by one of these individuals; now, therefor be it

Resolved by the House of Representatives:

That this seat be declared vacant and the election be returned to the voters of Hillsborough county district 24 as legally constituted as of November 3, 1992, to uphold the principle of one person, one vote; and

That, if the town of Pelham chooses to hold a special election to determine its choice for representative to the general court, the House of Representatives orders that the ballots used in that run-off election contain only the names of Thomas J. Kirby and Richard G. Hagan with no blank appearing; and

That the clerk of the house transmit a copy of this resolution to the Secretary of State, Thomas J. Kirby and Richard G. Hagan; and

That all communications to the clerk of the house from the parties at interest in this matter be entered in the House Journal.

Adopted.

RECESS

(Speaker Burns in the Chair)

Sen. Ralph Degnan Hough, Senate President addressed the House.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 6, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HR 1, relative to adopting the rules of the 1992 session.

HR 2, relative to seat assignments.

HR 3, relative to selecting a House Chaplain.

HR 4, relative to recording House sessions and the permanent journal.

HR 5, relative to the Clerk employing clerical assistance per RSA 17-E:5.

HR 6, relative to the Sergeant-at-Arms employing personnel per RSA 17-E:5.

HR 7, relative to the distribution of House publications.

HR 8, relative to canceling scheduled meetings of the House during severe weather.

HR 9, relative to legislative salary.

HR 10, relative to a special election in Hillsborough county district 24.

Rep. Caroline Gross moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 3:45 p.m.

RECESS

(Speaker Burns in the Chair)

The Speaker appointed Standing Committees of the House as follows:

APPROPRIATIONS

REPUBLICANS

Brown, Channing T., Chairman

Torr, Franklin, Vice Chairman

LaMott, Paul I

Holbrook, Robert G., Clerk

Johnson, Robert A.

Schotanus, Merle W.

Hall, Douglas E.

Cole, Stacey W.

Kurk, Neal M.

Merrill, Gerald P.

Ferguson, Charles W.

Riley, Frances L.

Domaigne, Jacquelyn M.

Dowling, Patricia A.

Wheeler, Robert L.

DEMOCRATS

Nardi, Theodora P.

O'Rourke, Joanne A.

Wallner, Mary Jane

Vaughn, Charles L.

Cote, David E.

Lynch, Margaret A.

Nordgren, Sharon L.

Hawkinson, Marie C.

CHILDREN, YOUTH AND JUVENILE JUSTICE**REPUBLICANS**

Bean, Pamela B., Chairman
 Bowers, Dorothy C., Clerk
 Brown, Julie M.
 Rheault, Lillian I.
 Gagnon, Eugene L.
 Woods, Deborah L.
 Domini, Irene C.
 Arndt, Janet S.
 Eliades, George C.
 Greenberg, Gary C.
 Holley, Sylvia A.
 Lyman, L. Randy
 McNamara, Wanda G.

DEMOCRATS

Mayhew, Josephine
 Bell, Juanita L.
 Johnson, Lionel W.
 McIlwaine, Deborah P.
 Moore, Carol
 Richardson, Barbara H.

COMMERCE, SMALL BUSINESS AND CONSUMER AFFAIRS**REPUBLICANS**

Packard, Bonnie B., Chairman
 Mercer, Robert S., Vice Chairman
 Rodgers, G. Philip
 Drolet, Paul L.
 Hunt, John B.
 Hill, Richard L.
 Gage, Beverly A.
 Ahrens, Frederick G.
 Guay, Lawrence J.
 Lindblade, Eric N.
 Simon, Peter M.
 Wells, Peter F., Sr., Clerk
 Dunlap, Patricia C.
 Yennaco, Carol A.

DEMOCRATS

Braiterman, Thea G.
 Syracuse, Anthony
 Allison, David C.
 Crory, Elizabeth L.
 Clark, Martha Fuller
 Loder, Suzanne K.
 Newland, Matthew J.

CONSTITUTIONAL AND STATUTORY REVISION**REPUBLICANS**

Flanagan, Natalie S., Chairman
 White, Paul R., Vice Chairman
 Dube, LeRoy S.
 Katsakiores, Phyllis M.
 Hurst, Sharleene P.
 Young, David A.
 Wiggin, Gordon E.
 Shaw, Randall F.
 Arnold, Thomas I., Jr.
 Bove, Martin N.
 Stritch, C. Donald
 Weergang, Alida, Clerk
 Willis, Jack B.

DEMOCRATS

Gilmore, Gary R.
 Leclerc, Charles J.
 Kingsbury, H. Thayer
 Splaine, James R.
 Coes, Betsy A.
 Hemon, Roland E.
 Philbrook, Paula L.

LIBERTARIAN

Warburton, Calvin

CORRECTIONS AND CRIMINAL JUSTICE**REPUBLICANS**

Sytek, Donna P., Chairman
 Johnson, C. William, Vice Chairman
 Campbell, Richard H., Jr.
 Lozeau, Donnalee M.
 Apple, Lowell D.
 Metzger, Katherine H., Clerk
 Christie, Andrew, Jr.
 Andrews, Frederick B.
 Hurst, Sharleene P.
 Clark, Vivian R.
 Eaton, Stephanie
 Hilliard, Dana S.
 Houlahan, Thomas G.

DEMOCRATS

Hambrick, Patricia A.
 Dwyer, Patricia R.
 Clemons, Jane A.
 Ahlgren, Madelyn T.
 Knowles, William V.
 Russell, Ronald G.
 Tommey, Kathryn W.

LIBERTARIAN

Gorman, Donald W.

ECONOMIC DEVELOPMENT**REPUBLICANS**

Simon, Peter M., Chairman
 Peyron, Fredrik, Vice Chairman
 Trelfa, Richard T.
 Beach, Mildred A.
 Klemm, Arthur P., Jr., Clerk
 Teague, Bert
 Douglass, Clyde J.
 Larson, Nils H., Jr.
 Malcolm, Kenneth W.
 Ham, Bonnie D.
 Johnson, Bill
 Lawton, David M.
 Spear, Barbara L.
 Weergang, Alida

DEMOCRATS

Burnham, Daniel M.
 McCann, William H., Jr.
 Burling, Peter H.
 Braiterman, Thea G.
 Buckley, Raymond
 Bradley, Paula E.
 Groves, Bonnie K.

EDUCATION**REPUBLICANS**

Skinner, Patricia M., Chairman
 Larson, Nils H., Jr., Vice Chairman
 Mason, Howard F.
 Carter, Susan D.
 Teague, Bert
 Searles, Stanley N., Sr.
 Durham, Susan B.
 Tate, Joan C.
 Hutchinson, Karen K.
 Buessing, Marjorie B.
 Franks, Suzan L. R.
 McKinley, Robert E.
 Williamson, William E.

DEMOCRATS

Guest, Robert H.
 Riley, William A.
 Yeaton, Charles B.
 Brown, Patricia B., Clerk
 Champagne, Richard L.
 White, John M.
 O'Brien, John
 Kane, Joan S.

ENVIRONMENT AND AGRICULTURE**REPUBLICANS**

Musler, George T., Chairman
 Scanlan, David M., Vice Chairman
 Campbell, Marilyn R.
 McCann, Bonnie Lou, Clerk
 Messier, Irene M.
 Bradley, Jeb E.
 Pratt, Leighton C.
 Aranda, M. Kathryn
 Hauck, William R.
 Lee, Rebecca E.
 Philbrick, Donald R.
 Pullman, Robert A.
 Wasson, Richard O.

DEMOCRATS

Hall, Betty B.
 Daigle, Robert A.
 Burnham, Daniel M.
 Terninko, Margaret B.
 Merrill, Amanda
 Hanselman, Gregory L.
 Owen, Derek

EXECUTIVE DEPARTMENTS AND ADMINISTRATION**REPUBLICANS**

Kidder, William F., Chairman
 Ward, Kathleen W., Vice Chairman
 Fillion, Paul R., Clerk
 Dyer, Merton S.
 Boucher, William P.
 Dowd, Sandra K.
 Sytek, John J.
 McRae, Karen E.
 Rose, William B.
 Beaulieu, Jon P.
 Langer, Ray F.
 Moore, Benjamin E.

DEMOCRATS

Dunn, Miriam D.
 McGovern, Cynthia A.
 Gosselin, Gerald O.
 Larochele, Roger B.
 Asselin, Robert P.
 Lundborn, Raymond A.
 McGrath, J. Gregory

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**REPUBLICANS**

Foster, Robert W., Chairman
 Holmes, Mary C., Vice Chairman
 Amidon, Eleanor H.
 Ziegra, Alice S., Clerk
 Senter, Marilyn P.
 DiPietro, Carmela M.
 Brown, Alson W.
 Chabot, Robert F.
 Manning Joseph P.
 Morello, Michael
 Pratt, Katharin
 Sargent, Maxwell D.

DEMOCRATS

Wheeler, Katherine W.
 Copenhaver, Marion L.
 Foster, Katherine D.
 Kane, Cecelia D.
 Haettenschwiller, Alphonse A.
 French, Barbara C.
 O'Keefe, Patricia M.

JUDICIARY**REPUBLICANS**

Lown, Elizabeth D., Chairman
 Lockwood, Robert A., Vice Chairman
 Record, Alice Barnard
 Moore, Elizabeth A.
 Gilbreth, Robert M., Clerk
 Battles, Marjorie H.
 Gargiulo, Louis
 Gordon, Edward M.
 Hart, Nick
 Kennedy, Richard E.
 Mittelman, David T.
 Mock, Henry P.

DEMOCRATS

Wall, Janet G.
 Healy, Daniel J.
 Burling, Peter H.
 DePecol, Benjamin J.
 Murphy, Robert E.
 Newman, Rick G.
 Harwell, Tyler P.

LIBERTARIAN

Rothhaus, Finlay C.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**REPUBLICANS**

Hawkins, Robert S., Chairman
 Turner, Robert H., Vice Chairman
 Vanderlosk, Stanley R.
 Barberia, Richard A.
 Dow, David O., Clerk
 Wright, George W.
 Daniels, Gary L.
 Johnson, Carl R.
 Smith, Arthur W.
 Johnson, Bill
 Perkins, Paul R.
 Young, Niel C.

DEMOCRATS

Jean, Claudette R.
 Drabinowicz, A. Theresa
 Laughlin, J. Francis
 Bagley, Amy L.
 Mears, Edgar H.
 Palmer, Lorraine R.
 Ward, Jay C.

LEGISLATIVE ADMINISTRATION**REPUBLICANS**

Horton, Lynn C., Chairman
 Amidon, Eleanor H., Vice Chairman
 Gross, Caroline L.
 Torr, Ann M.
 Jasper, Shawn N.
 Record, Alice Barnard
 Moore, Elizabeth A.
 Fillion, Paul R.
 Ziegler, Alice S.
 Carter, Susan D.
 Felch, Charles H., Sr.
 Weyler, Kenneth L.
 Dykstra, Leona

DEMOCRATS

Drabinowicz, A. Theresa
 Dunn, Miriam D.
 Mayhew, Josephine
 McGovern, Cynthia A.
 DePecol, Benjamin J.
 Pelletier, Marsha L.

LEGISLATIVE ADMINISTRATION SUBCOMMITTEES**ELECTIONS****REPUBLICANS**

Gross, Caroline
 Torr, Ann M.
 Jasper, Shawn N.

DEMOCRATS

DePecol, Benjamin J.

ENROLLED BILLS

Carter, Susan D.
 Moore, Elizabeth A.
 Amidon, Eleanor H.

Dunn, Miriam D.
 Drabinowicz, A. Theresa

JOURNAL

Weyler, Kenneth L.
 Dykstra, Leona

Pelletier, Marsha L.

MILEAGE AND ELECTRONIC ROLL CALL

Fillion, Paul R.
 Record, Alice Barnard

Mayhew, Josephine

RESOLUTIONS AND SCREENING

Torr, Ann M.
 Lockwood, Robert A.
 Ziegler, Alice S.

Cote, David E.
 McGovern, Cynthia A.

MUNICIPAL AND COUNTY GOVERNMENT**REPUBLICANS**

Wadsworth, Karen O., Chairman
 Perry, David M., Vice Chairman
 Golden, Paul A.
 Cote, Patricia L.
 Trelfa, Richard T.
 Weyler, Kenneth L., Clerk
 Rice, Thomas E.P., Jr.
 Cepaitis, Elizabeth A.
 Chester, Sherman E.
 Fesh, Robert M.
 Lovejoy, Marian E.
 Noyes, Richard
 Putnam, Ed M., II
 Stone, Joseph E.

DEMOCRATS

Salatiello, Thomas B.
 Daneault, Gabriel J.
 Morrissette, Roland A.
 Foster, Linda T.
 Gervais, Glenn C.
 St. Martin, Tommy J.
 Snyder, Clair A.

PUBLIC PROTECTION AND VETERANS AFFAIRS**REPUBLICANS**

Welch, David A., Chairman
 Flanders, John W., Sr., Vice Chairman
 Fields, Dennis H.
 Pepino, Leo P.
 Dewhirst, Glenn E.
 Fenton, James J., Clerk
 Rubin, George R.
 Torr, Ralph W.
 Chase, Paul K., Jr.
 Hemenway, Thomas C.
 Hunter, Bruce F.
 Jean, Loren J.
 Milligan, Robert H.

DEMOCRATS

Soucy, Richard A.
 Paquette, Rodolphe G.
 O'Brien, John
 Bergeron, Lucien G.
 Brown, George F.
 Lessard, Rudy
 Smart, John W.

PUBLIC WORKS**REPUBLICANS**

Chandler, Gene G., Chairman
 Chandler, John P., Vice Chairman
 Driscoll, William J.
 McNerney, Daniel P.
 Keans, Sandra B., Clerk
 Calawa, Leon Jr.
 Klemm, Arthur P.
 Peyron, Fredrik
 Adams, Carl S.
 Pfaff, Terence R.
 McCarty, Winston H.
 Moncrief, Keith W.
 Smith, Edwin O.

DEMOCRATS

Kincaid, William K.
 Sullivan, Henry P.
 Ahern, Richard F.
 Buckley, Raymond
 Cloutier, John R.
 Rogers, Katherine D.

LIBERTARIAN

Borsa, Andrew J.

REGULATED REVENUES**REPUBLICANS**

Kelley, Robert N., Chairman
 Behrens, Thomas A., Vice Chairman
 Horton, Lynn C.
 McKinney, Betsy, Clerk
 Bucu, Stephen W.
 Desrosiers, William J.
 Kelley, Dana F.
 Stapleton, Henry F.
 Flanders, David A.
 Dykstra, Leona
 Avery, Stephen G.
 Burke, M. Virginia
 Delano, Robert F.
 Hazelton, Robert G.

DEMOCRATS

Rosencrantz, James R.
 Pantelakos, Laura C.
 Reidy, Frank J.
 Caswell, Albert Jr.
 Gage, Ruth E.
 Vincent, Francis C.
 Hashem, Elaine M.

RESOURCES, RECREATION AND DEVELOPMENT**REPUBLICANS**

Dickinson, Howard C., Jr., Chairman
 Conroy, Janet M., Vice Chairman
 Whittemore, James A.
 Smith, Leonard A.
 Beach, Mildred A., Clerk
 Upton, Barbara A.
 Nehring, William H.
 Feuerstein, Martin
 Ritzo, Eugene
 Holt, Mark I.
 Laflam, Robert J.
 Lawton, David M.
 Royce, H. Charles
 Whalley, Michael D.

DEMOCRATS

Stamatakis, Carol M.
 Martin, Mary Ellen
 Coulombe, Henry W.
 Bonneau, Sarah K.
 Holl, Ann C.
 Merritt, Deborah F.

RULES**REPUBLICANS**

Burns, Harold W., Chairman
 Hill, Michael J., Vice Chairman
 Gross, Caroline L.
 Torr, Ann M.
 Brown, Channing T.
 Foster, Robert W.
 Sytek, Donna P.
 Cowenhoven, Garret P.
 Flanders, John W., Sr.

DEMOCRATS

Trombly, Rick A.
 Buckley, Raymond
 O'Rourke, Joanne A.
 Soldati, Jennifer G.

LIBERTARIAN

Gorman, Donald W.

SCIENCE, TECHNOLOGY AND ENERGY**REPUBLICANS**

Rodeschin, Beverly T., Chairman
 McRae, Karen K., Vice Chairman
 Peters, Stanley W., Clerk
 Rosen, Ralph J.
 Ahrens, Frederick G.
 Foss, Frederic A.
 Cogswell, Richard L.
 Blake, Daniel P.
 Holt, David B.
 Miller, Don J.

DEMOCRATS

Ackerman, Philip M.
 Gilmore, Gary R.
 Allen, W. Gordon
 Below, Clifton C.
 Pelletier, Arthur J.

STATE-FEDERAL RELATIONS**REPUBLICANS**

Gage, Beverly A., Chairman
 Guay, Lawrence J., Vice Chairman
 Hill, Michael J.
 Perry, David M.
 Holden, Carol H.
 Behrens, Thomas A.
 Fields, Dennis H.
 Apple, Lowell D.
 Hunt, John B.
 Boucher, William P.
 Cain, Thomas G., Clerk
 Gagnon, Eugene L.

DEMOCRATS

Foster, Katherine D.
 O'Rourke, Joanne A.
 Copenhaver, Marion L.
 Soldati, Jennifer G.
 Wheeler, Katherine W.
 Terninko, Margaret B.
 St. Martin, Tommy J.

TRANSPORTATION**REPUBLICANS**

Katsakiores, George N., Chairman
 Klemarczyk, Thaddeus E., Vice Chairman
 Malcolm, Kenneth W.
 Dodge, Emma M., Clerk
 Adams, Carl S.
 Bartlett, Gordon E.
 Raynowska, Bernard J.
 Cain, Thomas J.
 Packard, Sherman A.
 MacDonald, Maurice B.
 Crum, William H., Jr.
 Kruse, Fred A.
 Richards, David L.

DEMOCRATS

Donovan, Francis X.
 Turgeon, Roland M.
 Crotty, Edward J.
 Callaghan, Frank D.
 Robertson, Timothy N.
 Wiswell, James P.

WAYS AND MEANS**REPUBLICANS**

Cowenhoven, Garret P., Chairman
 Arnold, Barbara E., Vice Chairman
 Jasper, Shawn N.
 Sallada, Roland
 Saunders, Howard N.
 Nichols, Avis B.
 Flint, Gordon B.
 Pearson, Gertrude B., Clerk
 Teschner, Douglass P.
 Chandler, Earle W.
 Whittemore, James A.
 Weeks, John F., Jr.
 Ham, Bonnie D.
 Spear, Barbara L.

DEMOCRATS

Johnson, Joyce M.
 McCann, William H., Jr.
 Soldati, Jennifer G.
 Chagnon, Ronald R.
 Pageotte, Donald P.
 Soucy, Donna M.
 Plourde, Alphonse O.

WILDLIFE AND MARINE RESOURCES**REPUBLICANS**

Drake, Herbert R., Chairman
 Wiggin, Allen R., Vice Chairman
 Felch, Charles H., Sr.
 Lachut, Ervin R.
 Douglass, Clyde J., Clerk
 L'Heureux, Robert J.
 Vanderlosk, Stanley R.
 Pratt, Leighton C.
 Cote, Charles H.
 Crossman, Harold G., Jr.
 Smith, Linda Ann

DEMOCRATS

Schanda, Joseph, Sr.
 Lefebvre, Roland J.
 Coulombe, Roland J.
 McGuirk, Paul A.
 Rogers, Rose Marie
 Wiswell, James P.

APPOINTMENTS

The Speaker appointed the following members as Republican Leaders:

Gordon E. Bartlett, William P. Boucher, Jeb E. Bradley, Susan D. Carter, Andrew Christie, Jr., Patricia L. Cote, Glenn E. Dewhirst, Charles H. Felch, Sr., Eugene L. Gagnon, Carl R. Johnson, Phyllis M. Katsakiores, William H. Nehring, Alice B. Record, Ralph J. Rosen, Merle W. Schotanus, Marilyn P. Senter, Henry F. Stapleton, Douglass P. Teschner and Deborah L. Woods.

The Democratic Leader made the following appointments:

Deputy Democratic Leader - Raymond Buckley

Assistant Deputy Democratic Leader - Joanne A. O'Rourke

Democratic Whip - Jennifer G. Soldati

Democratic Whip - David E. Cote

Assistant Democratic Whip - Peter H. Burling

Assistant Democratic Leader - William H. McCann, Jr.

Assistant Democratic Leader - Amanda Merrill

Assistant Democratic Leader - Josephine Mayhew

Assistant Democratic Leader - Benjamin DePecol

Assistant Democratic Leader - Cynthia McGovern

Donald W. Gorman was appointed Libertarian Leader.

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 2

Wednesday, January 6, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Rep. Guay, reported that the Chaplain Committee selected Rev. Edward G. Horstmann of the First Congregational Church in Hopkinton.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

As we gather together in the freshness of a New Year, grant unto us, O God, a sense of the questions You are asking, the needs You are perceiving, and the hopes You are planting. Enable these representatives and those who support them to work with energy and imagination for Your coming justice, so that our common life may be inspired by their vision and enriched by their labors. Amen.

Rep. Fields led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Malcolm, Larochelle and Franklin Torr, the day, illness.

Reps. Hart and David Holt, the day, important business.

Rep. Ann Torr, the day, illness in the family.

COMMUNICATIONS

December 16, 1992

James Chandler, House Clerk

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Grafton 7 (Plymouth) David Dow, r&d, Plymouth (PO Box 83) 03264

Hillsborough 23 (Hudson) G. Philip Rodgers, r, Hudson (15 Lindsay) 03051

Hillsborough 48 (Manchester Ward 12) Lillian I. Rheault, r, Manchester (359 Reed St.) 03102

Rockingham 20 (Exeter, Kensington) David A. Flanders, r, Exeter (30 Hall Place) 03833

Rockingham 23 (Greenland) David L. Richards, r, Greenland (PO Box 193) 03840

Rockingham 29 (Londonderry) Robert G. Hazelton, r, Londonderry (11 Seminole Place) 03053

Strafford 16 (Rochester Ward 2) Sandra B. Keans, r, Rochester (1 Sweetbriar Lane) 03867

William M. Gardner, Secretary of State

December 30, 1992

James Chandler, House Clerk

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Cheshire 2 (Alstead, Gilsum, Marlow, Surry, Walpole) David A. Young, r, Alstead (Box 33) 03602

Hillsborough 33 (Nashua) George C. Eliades, r, Nashua (5 Masefield Rd.) 03062

Rockingham 25 (North Hampton, Stratham) George Rubin, r,d&l, Stratham (7Apple Way) 03885
Rockingham 29 (Londonderry) Betsy McKinney, r, Londonderry (120 Litchfield Rd.) 03053

Rockingham 33 (Portsmouth) Juanita L. Bell, d, Portsmouth (26 Taft Rd.) 03081

Rockingham 36 (Portsmouth) James R. Splaine, d&l, Portsmouth (83 Willard Ave.) 03801

William M. Gardner, Secretary of State

INTRODUCTION OF GUESTS

Rembert and Kata Aranda, guests of Rep. Aranda. Jeffery Speller, guest of Rep. Lionel Johnson. Shirley Elder, guest of Rep. Linda Ann Smith. Dr. George Brown, brother of Rep. Channing Brown. Craig Rippeal, Michael Smith and Douglas Mitchell, guests of Rep. Hilliard. Beth Williams, Claudia Balen, Kathy Vedder and Bonnie Riley, guests, niece and wife of Rep. William Riley. Former Rep. Robert Lawton, guest of Speaker Burns.

Vocalists/Musicians Julie Thompson and Brownie Macintosh performed "Rainbow Family," "Talking Hands," and "Oh, New Hampshire, You're My Home;" music and lyrics composed by Brownie Macintosh.

RESOLUTION

Reps. Gross and Trombly offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Executive Council.

Adopted.

SENATE MESSAGE

The Honorable Senate is ready to meet with the House in joint convention for the purpose of canvassing the votes for Governor and Executive Council.

JOINT CONVENTION (Speaker Burns presiding)

RESOLUTION

Rep. Gross and Sen. Delahunty offered the following:

RESOLVED, that the Honorable Secretary of State be requested to lay before the convention the return of votes for Governor and Executive Council.

Adopted.

William M. Gardner, Secretary of State, appeared before the joint convention and laid before the Joint Convention the returns of votes for Governor and the Executive Councilors cast in the General Election held November 3, 1992 as follows:

FOR GOVERNOR

	Merrill, r	Arnesen, d	Luce, lib
Belknap	14,795	8,705	1,110
Carroll	12,797	7,226	827
Cheshire	14,399	16,005	948
Coos	8,287	6,301	335
Grafton	18,121	16,096	919
Hillsborough	90,441	52,260	6,670
Merrimack	29,617	25,697	2,280
Rockingham	69,135	45,173	5,377
Strafford	23,475	20,246	1,676
Sullivan	8,103	8,523	521
Totals	289,170	206,232	20,663

Stephen Merrill, having a plurality (majority) of 62,275 votes, was elected Governor.

FOR EXECUTIVE COUNCILORS

First District	
Raymond S. Burton, r	63,538
Steven Maviglio, d	30,621
Stanley J. Emery, l	3,928
Plurality (majority)for Burton	28,989
Second District	
Bob Hayes, r	46,955
Barbara Kuhlman Brown, d	39,750
David J. Batchelder, l	4,481
Plurality (majority)for Hayes	2,724
Third District	
Ruth L. Griffin, r	50,367
Holly Hunter, d	44,023
Greg Westgate, l	4,428
Plurality (majority)for Griffin	1,916

Fourth District

Earl A. Rinker, III, r	46,992
Shannon O'Brien, d	36,291
Clarence G. Blevens, l	4,891
Plurality (majority)for Rinker	5,810

Fifth District

Bernard A. Streeter, Jr., r	54,863
Keith Regli, d	31,412
David Agans, l	4,662
Plurality (majority)for Streeter, Jr.	18,789

RESOLUTION

Rep. Trombly and Sen. Disnard offered the following:

RESOLVED, that the vote for Governor and Council be referred to a committee consisting of two on the part of the Senate and three on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Healy, Leclerc and Boucher and Sens. Blaisdell and Podles

Rep. Gross and Sen. Delahunty moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

RECESS

(Speaker Burns in the Chair)

PROPOSED CHANGES TO HOUSE RULES

Note: Deletions are in parentheses; insertions are bold.

Rep. Donna Sytek responded to a question by Rep. Trombly.

The Rules Committee offered the following:

Amend Rule 29 as follows:

29. The following standing policy committees, to consist of not more than 23 members each, shall be appointed at the commencement of any session:

Appropriations; Children, Youth and Juvenile Justice; Commerce, Small Business and Consumer Affairs; Constitutional and Statutory Revision; Economic Development; Education; Environment and Agriculture; Executive Departments and Administration; (Fish and Game), **Wildlife and Marine Resources**; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Protection and Veterans Affairs; Public Works; Regulated Revenues; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations; (State Institutions and Housing) **Corrections and Criminal Justice**; Transportation; and Ways and Means. The Speaker shall be one of the members of the Committee on Rules.

Amend Rule 29 (h) as follows:

(h) It shall be the duty of the Committee on **Wildlife and Marine Resources** (Fish and Game) to consider all matters concerning conservation, improvement and preservation of **fish, game and non-game species and marine resources** (fish and game) within the state; and such other matters as may be referred to it.

Amend Rule 29 (j) by deleting the following:

(j) It shall be the duty of the Committee on Judiciary to consider all matters relating to the judicial system of the state; matters involving major changes in public policy; and such other matters as may be referred to it.

and inserting the following:

(j) It shall be the duty of the Committee on Judiciary to consider all matters relating to the judicial system, right-to-know law, divorce and custody, domestic violence, guardianships, life and death (such as abortion or assisted death), landlord/tenant rights, civil proceedings, tort law, forfeiture, victims' assistance, immunity, probate; and such other matters as may be referred to it.

Amend Rule 29 (u) by deleting the following:

(u) It shall be the duty of the Committee on State Institutions and Housing to consider all matters concerning the administration of the New Hampshire Hospital, New Hampshire State Prison, New Hampshire Youth Development Center, Glenclyff Home for the Elderly, the Veteran's Home and the State Library; matters relating to housing, landlord/tenant relations, leasing, purchasing, and conversion provisions; and such other matters as may be referred to it.

and inserting the following:

(u) It shall be the duty of the Committee on Corrections and Criminal Justice to consider all matters relating to criminal justice, the Department of Corrections, sentencing, drug enforcement, bail, probation, parole, corrections facilities, DWI; and such other matters as may be referred to it.

Further amend Rule 29 as follows:

Re-letter in alphabetical order and move the Committees on Corrections and Criminal Justice; Economic Development; and Wildlife and Marine Resources into their proper places.

Rep. Michael Hill moved that the House adopt all amendments to House Rule 29 as proposed by the Rules Committee and spoke in favor.

Adopted.

Reps. Michael Hill and Trombly offered the following:

Amend Rule 27 as follows:

27. The membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the House membership of the majority party bears to the House membership of the minority party. No member shall serve on more than two standing policy committees; **membership on the Rules Committee shall not be included for purposes of this calculation.** The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party floor leader. Notwithstanding the provisions of this rule, the Speaker and the minority party floor leader may agree on a different proportion for the membership of any particular committee.

Rep. Trombly spoke in favor.

Adopted.

Reps. O'Brien and Copenhaver offered the following:

Amend Rule 31 by deleting the following:

31. The first-named member of any committee appointed by the Speaker shall be chairman; and in case of his absence or being excused by the House, the next-named member shall be chairman, and so on, as often as the case may happen, unless otherwise ordered by the Speaker.

and inserting the following:

31. The first-named member of any committee appointed by the Speaker shall be the chair; and in case of that member's absence or being excused by the House, the next-named member shall be the chair, and so on, as often as the case may happen, unless otherwise ordered by the Speaker. The committee chair appointees shall be divided between the political parties in the same proportion that the House membership of the majority party bears to the House membership of the minority parties. The Speaker shall consult with and receive advice from the duly appointed floor leaders of the minority parties when making appointments under this rule.

Rep. Copenhaver spoke in favor and yielded to questions.

Rep. Donna Sytek spoke against and yielded to questions.

Rep. Trombly spoke in favor.

Reps. Hawkins and Jasper spoke against.

Roll call request sufficiently seconded. The question being the adoption of the proposed amendment to House Rule 31.

YEAS 136

NAYS 251

**YEAS 136
BELKNAP**

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara

Champagne, Richard
Lynch, Margaret
Riley, William

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Wiswell, James

Harwell, Tyler

Hawkinson, Marie

GRAFTON

Below, Clifton
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

HILLSBOROUGH

Ackerman, Philip
Asselin, Robert
Borsa, Andrew
Crotty, Edward
Dwyer, Patricia
Gosselin, Gerald
Healy, Daniel
Leclerc, Charles
Morrissette, Roland
Paquette, Rodolphe
Smart, John
Turgeon, Roland

Ahern, Richard
Bagley, Amy
Buckley, Raymond
Daigle, Robert
Foster, Linda
Haettenschwiller, Alphonse
Jean, Claudette
Lefebvre, Roland
Murphy, Robert
Philbrook, Paula
Soucy, Donna
White, John

Ahlgren, Madelyn
Bergeron, Lucien
Clemens, Jane
Donovan, Francis
Gage, Ruth
Hall, Betty
Johnson, Lionel
Lessard, Rudy
Nardi, Theodora
Plourde, Alphonse
Soucy, Richard

Allen, W. Gordon
Bergeron, Normand
Cote, David
Drabinowicz, A. Theresa
Gervais, Glen
Hanselman, Gregory
Laughlin, J. Francis
Martin, Mary Ellen
O'Rourke, Joanne
Reidy, Frank
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Johnson, Joyce May
Rogers, Katherine
Ward, Jay

Daneault, Gabriel
Moore, Carol
Soldati, Jennifer
Yeaton, Charles

Dunn, Miriam
Newland, Matthew
Trombly, Rick

French, Barbara
Owen, Derek
Walner, Mary Jane

ROCKINGHAM

Bell, Juanita
Gorman, Donald
Newman, Rick
Schanda, Joseph, Sr.
Teminko, Margaret

Caswell, Albert, Jr.
Groves, Bonnie
O'Keefe, Patricia
Splaine, James
Vaughn, Charles

Clark, Martha
Kane, Cecelia
Pantelakos, Laura
St. Martin, Tommy
Warburton, Calvin

Coes, Betsy
McGovern, Cynthia
Rosencrantz, James
Syracusa, Anthony

STRAFFORD

Brown, George
Hambrick, Patricia
Knowles, William

Callaghan, Frank
Hashem, Elaine
Loder, Suzanne

Chagnon, Ronald
Hemon, Roland
Lundborn, Raymond

Gilmore, Gary
Kincaid, William
McCann, William, Jr.

McGrath, J. Gregory
Pageotte, Donald
Sullivan, Henry

Merrill, Amanda
Pelletier, Arthur
Vincent, Francis

Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

O'Brien, John
Snyder, Clair
Wheeler, Katherine

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

SULLIVAN

NAYS 251

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph

Cain, Thomas
Hauck, William
Lafam, Robert
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Ziegler, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Manning, Joseph
Perry, David

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Metzger, Katherine
Smith, Edwin

Hunt, John
Pearson, Gertrude
Young, David

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Eaton, Stephanie
LaMott, Paul
Teschner, Douglass
White, Paul

Bean, Pamela
Chase, Paul, Jr.
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Dow, David
Ham, Bonnie
Rose, William
Wadsworth, Karen

Brown, Channing
Driscoll, William
Hill, Richard
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Desrosiers, William
Durham, Susan
Fenton, James
Gagnon, Eugene
Holt, Mark
Kelley, Dana
Lachut, Ervin
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Pepino, Leo
Rheault, Lillian
Sallada, Roland
Tate, Joan
Wells, Peter, Sr.

Amidon, Eleanor
Bowers, Dorothy
Chabot, Robert
Dodge, Emma
Dyer, Merton
Ferguson, Charles
Greenberg, Gary
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Perkins, Paul
Riley, Frances
Sargent, Maxwell
Upton, Barbara
Wheeler, Robert

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Domaingue, Jacquelyn
Dykstra, Leona
Fields, Dennis
Holden, Carol
Jasper, Shawn
Kurk, Neal
Lozeau, Donnalee
McNerney, Daniel
Milligan, Robert
Morello, Michael
Peters, Stanley
Rodgers, G. Philip
Searles, Stanley, Sr.
Vanderlosk, Stanley
Wright, George

Arnold, Barbara
Calawa, Leon, Jr.
Daniels, Gary
Drolet, Paul
Eliades, George
Franks, Suzan
Holley, Sylvia
Jean, Loren
L'Heureux, Robert
Mason, Howard
McRae, Karen
Mittelman, David
Packard, Bonnie
Record, Alice
Rothhaus, Finlay
Smith, Leonard
Weergang, Alida

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Carter, Susan
Chandler, Earle	Chandler, John	Feuerstein, Martin	Fillion, Paul
Gilbreth, Robert	Gross, Caroline	Hall, Douglas	Hill, Michael
Holmes, Mary	Houlahan, Thomas	Johnson, C. William	Kennedy, Richard
Kidder, William	Langer, Ray	Lockwood, Robert	Nichols, Avis
Pfaff, Terence	Shaw, Randall	Stapleton, Henry	Teague, Bert
Weeks, John, Jr.	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Buco, Stephen
Campbell, Marilyn	Chester, Sherman	Christie, Andrew, Jr.	Clark, Vivian
Conroy, Janet	Cote, Charles	Cote, Patricia	Crossman, Harold, Jr.
Crum, William, Jr.	DiPietro, Carmela	Dowd, Sandra	Dowling, Patricia
Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr.	Gage, Beverly
Gargiulo, Louis	Hazelton, Robert	Hemenway, Thomas	Hurst, Sharleene
Hutchinson, Karen	Johnson, Bill	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
Lee, Rebecca	Lovejoy, Marian	MacDonald, Maurice	McKinney, Betsy
Miller, Don	Moore, Benjamin	Noyes, Richard	Packard, Sherman
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Richards, David
Ritzo, Eugene	Rubin, George	Senter, Merilyn	Simon, Peter
Skinner, Patricia	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Welch, David	Weyler, Kenneth
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Brown, Julie	Douglass, Clyde	Dunlap, Patricia	Hilliard, Dana
Keans, Sandra	McKinley, Robert	Musler, George	Nehring, William
Spear, Barbara	Torr, Ralph	Wasson, Richard	

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon	Lindblade, Eric
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	

and the proposed amendment failed.

MOTION

Rep. O'Rourke moved that the debate on the proposed amendment to House Rule 31 be printed in the Journal.

On a division vote, 222 having voted in the negative and 165 in the affirmative, the motion failed.

EMPLOYEE OF THE MONTH

Susan E. Marshall was recognized as Employee of the Month. Rep. Michael Hill moved that the Speaker's remarks regarding Ms. Marshall be printed in the Journal.

Adopted.

Susan E. Marshall has worked in the Office of Legislative Services since 1980. She has progressed from a Legislative Bill Drafter to Legislative Attorney and Senior Attorney. In 1985, She was named Deputy Director of Legislative Services.

Ms. Marshall received her undergraduate education from Michigan State University, was a Fulbright Scholar, holds a Master's degree from the University of Pennsylvania, and is a graduate of Franklin Pierce Law Center.

She is married, has two children, and lives in Hopkinton.

She has served in her dual role as Deputy Director and Chief Legal Officer longer than anyone else has held this position. On top of her excellent legal and drafting skills, Susan has displayed the initiative and accepted the responsibility for keeping the bill and amendment-writing process operating effectively. Her efforts have been a key factor in the very smooth transitions from one Director to the next.

Susan is an outstanding example not only of the hard-working, dedicated staff of Legislative Services, but of all employees of the New Hampshire General Court.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 101 through 551, Constitutional Amendment Concurrent Resolutions numbered 1 through 10, House Concurrent Resolutions numbered 1 through 12, House Joint Resolution numbered 1, House Resolutions numbered 10 and 11, and House Bills of Intent numbered 1 through 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, HJR, HR and HBIs

First, second reading and referral

HB 101, categorizing motor vehicle child passenger restraints by age. (Copenhagen, Graf/10, to Transportation)

HB 102, changing the penalty for DWI while transporting a person under the age of 16. (R. Campbell, Belk/4, to Corrections and Criminal Justice)

HB 103-FN, requiring 50 percent of moose hunting licenses for each county to be allocated to county residents. (G. Merrill, Coos/1, to Wildlife and Marine Resources)

HB 104-FN-L, amending the way in which the town of Londonderry shall collect its taxes for the fiscal year ending June 30, 1994. (B. McKinney, Rock/29; Boucher, Rock/29; S. Packard, Rock/29; Colantuono, Dist/14, to Municipal and County Government)

HB 105-FN, removing the requirement that the state inspect meat by making the agriculture commissioner's authority in such matters discretionary. (M. Campbell, Rock/26, to Environment and Agriculture)

HB 106-FN, removing the requirement that the state vaccinate bovines against brucellosis. (M. Campbell, Rock/26, to Environment and Agriculture)

HB 107-FN-A, exempting real and personal property of a decedent from the legacies and successions tax when such property passes to or for the use of a sibling or siblings of the decedent who hold the property jointly with a right of survivorship. (Cole, Ches/11, to Ways and Means)

HB 108-L, permitting counties to establish special equipment accounts for registers of deeds. (D. Sytek, Rock/26, to Municipal and County)

HB 109-FN, increasing certain fees and making technical corrections in the tobacco tax and timber tax. (D. Sytek, Rock/26, to Ways and Means)

HB 110, relative to use and derivative use immunity. (Record, Hills/27, to Judiciary)

HB 111, repealing the pre-admission screening program for persons entering intermediate care or skilled nursing facilities. (Copenhagen, Graf/10; Ziegra, Belk/5, to Health, Human Services and Elderly Affairs)

HB 112-FN, extending public assistance granted to needy and dependent children to otherwise eligible parents or needy caretaker relatives and changing a reference from human services to children and youth services. (Ziegra, Belk/5; R. Foster, Carr/10; Copenhagen, Graf/10; J. King, Dist/18, to Health, Human Services and Elderly Affairs)

HB 113, expanding the financial authority of towns. (J. Johnson, Merr/8, to Municipal and County Government)

HB 114, relative to hunting restrictions. (Schanda, Rock/19, to Wildlife and Marine Resources)

HB 115, repealing reporting requirements for fish or game propagation licensees; and limiting the time bob-houses may be on public property and adding a penalty for violations. (Coulombe, Coos/7; A. Wiggin, Carr/9, to Wildlife and Marine Resources)

HB 116, relative to deer tags and fly fishing on the Connecticut River. (Douglass, Straf/16, to Wildlife and Marine Resources)

HB 117, limiting the possessing or taking of marine mammals and prohibiting the taking of a fin fish or crustacean with mobile gear and salmon and striped bass with any netting. (Drake, Rock/24, to Wildlife and Marine Resources)

HB 118, repealing the prohibition against fishing on a certain portion of the Winnicut River. (Felch, Rock/21, to Wildlife and Marine Resources)

HB 119-FN-L, relative to the administration and enforcement of the pesticides statutes. (M. Campbell, Rock/26, to Environment and Agriculture)

HB 120, mandating that workers' compensation benefits collected under New Hampshire law be the exclusive remedy for a person injured in New Hampshire. (Drabinowicz, Hills/36, to Labor, Industrial and Rehabilitative Services)

HB 121-FN, authorizing a New Hampshire Pearl Harbor survivor special number plate. (Record, Hills/27; Rubin, Rock/25, to Transportation)

HB 122-FN, changing Central Street in the town of Newport to a class II highway. (Rodeschin, Sull/4; Flint, Sull/4; Peyron, Sull/4; Disnard, Dist/8, to Public Works)

HB 123, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values. (McRae, Hills/7; Ackerman, Hills/26; McNerney, Hills/7, to Transportation)

HB 124-A, repealing an appropriation for an environmental and engineering study and authorization to acquire rights-of-way for construction of a truck lane on U.S. Route 2 in Jefferson. (G. Chandler, Carr/1, to Public Works)

HB 125-FN, relative to federal funding for rebuilding, modernizing, and maintaining rail properties. (G. Chandler, Carr/1, to Public Works)

HB 126-FN, requiring the commissioner of transportation to establish an adopt-a-highway program. (G. Chandler, Carr/1, to Public Works)

HB 127-FN, relative to private lease of state railroad real estate. (Christie, Rock/22; Bartlett, Belk/6, to Transportation)

HB 128-FN, relative to the penalty for falsifying applications and to the fee for picture identification cards. (Crotty, Hills/43; Christie, Rock/22, to Transportation)

HB 129, relative to possession of scanners when committing a crime. (Senter, Rock/16; Bartlett, Belk/6; P. Cote, Rock/9; Turner, Belk/7; Russman, Dist/19; Barnes, Dist/17, to Corrections and Criminal Justice)

HB 130-FN, relative to illegal possession of alcohol. (G. Merrill, Coos/1; G. Drake, Rock/24, to Corrections and Criminal Justice)

HB 131, repealing a penalty provision regarding anabolic steroids. (D. Sytek, Rock/26, to Health, Human Services and Elderly Affairs)

HB 132-L, increasing the borrowing authority of the Bartlett water precinct. (G. Chandler, Carr/1, to Municipal and County Government)

HB 133, relative to liquid propane gas, motor fuels, diesel fuel, kerosene, and heating oils sold at wholesale or retail. (D. Sytek, Rock/26, to Environment and Agriculture)

HB 134, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood. (D. Sytek, Rock/26, to Environment and Agriculture)

HB 135-FN, exempting certain properties from the long-range planning process prior to the sale of the property by the division of human services. (C. Brown, Graf/14, to Executive Departments and Administration)

HB 136-FN-L, pertaining to the authority and operation of the public utilities commission. (Rodeschin, Sull/4, to Science, Technology and Energy)

HB 137-FN, lowering the level for legal intoxication under the DWI laws from .10 to .08. (Christie, Rock/22; Malcolm, Rock/22, to Corrections and Criminal Justice)

HB 138, relative to revocation of hunting and fishing privileges and repealing statutory provisions relative to a guide's license to take bear. (L'Heureux, Hills/18, to Wildlife and Marine Resources)

HB 139, relative to requirements for transportation of deer and official seals for fur-bearing animal skins. (LaChut, Hills/2, to Wildlife and Marine Resources)

HB 140-FN-A, requiring a study of economic incentives and technological opportunities for encouraging waste reduction and recycling and making an appropriation therefor. (A. Merrill, Straf/8; J. Bradley, Carr/8; Burnham, Ches/8; Musler, Straf/6; Gilmore, Straf/11, to Environment and Agriculture)

HB 141-FN, modifying the acid deposition control program. (B. McCann, Hills/33, to Environment and Agriculture)

HB 142, relative to motorcycle noise levels from American-made motorcycles. (S. Packard, Rock/29, to Transportation)

HB 143-FN-L, changing the definition of "drive" to include operating a bicycle. (Christie, Rock/22, to Transportation)

HB 144-FN, relative to refunds for unused vehicle plates. (Christie, Rock/22, to Transportation)

HB 145-FN-L, allowing voters in towns to petition to extend the hours of polling. (Salatiello, Belk/2; Linda Smith, Belk/5; Ham, Graf/4, to Constitutional and Statutory Revision)

HB 146-FN-L, extending unemployment benefits to certain school employees between academic years. (McGovern, Rock/35; D. Cote, Hills/29, to Labor, Industrial and Rehabilitative Services)

HB 147-FN-A, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor. (Calawa, Hills/17, to Public Works)

HB 148-FN-A, appropriating funds to prevent deterioration of the Walker building and other state buildings at the New Hampshire hospital. (Calawa, Hills/17; Mc Nerney, Hills/7; Dunn, Merr/24, to Public Works)

HB 149-FN-A, establishing a position of grant writer within the division of public health services and making an appropriation therefor. (Copenhaver, Graf/10, to Executive Departments and Administration)

HB 150, modifying the number of deer an archery licensee may be entitled to take. (Drake, Rock/24, to Wildlife and Marine Resources)

HB 151-FN, permitting the department of fish and game to issue an extra deer tag to certain licensees. (Drake, Rock/24, to Wildlife and Marine Resources)

HB 152, changing the time period within which a claim may be submitted against the state. (G. Chandler, Carr/1, to Judiciary)

HB 153, prohibiting the buying and selling of bear. (Drake, Rock/24, to Wildlife and Marine Resources)

HB 154-FN, modifying the definition of high tide as it applies to wetlands. (Drake, Rock/24; Dickinson, Carr/2; Ritzo, Rock/24, to Resources, Recreation and Development)

HB 155-FN-L, charging back the costs of education for children in homes or health care facilities to the sending district. (D. Young, Ches/2, to Education)

HB 156-FN-L, exempting municipalities from the fee charged for water stored by the state. (Behrens, Sull/2; Schotanus, Sull/3, to Resources, Recreation and Development)

HB 157-FN-L, restricting motor vehicle permit fee revenues collected by municipalities to highway expenditures. (J. Chandler, Merr/1; Cowenhoven, Hills/14; Schotanus, Sull/3; G. Chandler, Carr/1, to Municipal and County Government)

HB 158-FN-A, changing the distribution of unrefunded road tolls. (Boucher, Rock/29, to Executive Departments and Administration)

HB 159, designating a portion of the OHRV registration fees for trail acquisition. (Boucher, Rock/29, to Wildlife and Marine Resources)

HB 160-FN, requiring that there be separate nonpublic smoking areas for crime victims and their families in county superior courthouses. (Pepino, Hills/40, to Judiciary)

HB 161-FN-A, increasing the amount paid to members of the adult parole board and making an appropriation therefor. (D. Sytek, Rock/26, to Executive Departments and Administration)

HB 162-FN-L, returning all municipal ordinance fines to the municipality. (Rodeschin, Sull/4; R. Kelley, Hills/18; Senter, Rock/16; Disnard, Dist/8, to Judiciary)

HB 163-FN, establishing a leaking underground storage tank cost recovery fund. (Conroy, Rock/13, to Resources, Recreation and Development)

HB 164, relative to premiums paid for workers' compensation. (J. Bradley, Carr/8, to Labor, Industrial and Rehabilitative Services)

HB 165-FN, to establish an inactive pharmacist license. (Weyler, Rock/18, to Health, Human Services and Elderly Affairs)

HB 166, relative to felons who own or possess dangerous weapons. (Record, Hills/27; Daigle, Hills/28, to Judiciary)

HB 167, clarifying circumstances under which a person is justified in using deadly force. (Record, Hills/27; Daigle, Hills/28, to Corrections and Criminal Justice)

HB 168, transferring the rulemaking authority from the board of education to the commissioner of education. (M. Hill, Merr/16; Gross, Merr/18, to Education)

HB 169-L, allowing the moderator to hold town or school district meetings out-of-town. (B. McKinney, Rock/29, to Municipal and County Government)

HB 170-FN-A, authorizing the business finance authority to accept private funds for investment purposes. (Burling, Sull/1, to Economic Development)

HB 171-FN, changing procedures applicable to the board of registration in medicine. (D. Sytek, Rock/26, to Executive Departments and Administration)

HB 172-FN, relative to the oil discharge and disposal cleanup fund. (Holbrook, Belk/7; Dickinson, Carr/2, to Resources, Recreation and Development)

HB 173-FN, making the police standards and training council responsible for certification of corrections officers. (D. Sytek, Rock/26, to Corrections and Criminal Justice)

HB 174-FN-L, relative to cost of living adjustments for members of the New Hampshire retirement system. (Christie, Rock/22; Gosselin, Hills/45; Hollingworth, Dist/23, to Executive Departments and Administration)

HB 175-L, revising the distribution of sweepstakes moneys. (Malcolm, Rock/22; Crotty, Hills/43; Groves, Rock/22; Pignatelli, Dist/13, to Education)

HB 176-FN, establishing a procedure to test and quarantine equines imported from CEM countries. (M. Campbell, Rock/26, to Environment and Agriculture)

HB 177-FN-L, establishing procedures for the removal of town clerks, tax collectors, and treasurers. (Dyer, Hills/8; Peters, Hills/8, to Municipal and County Government)

HB 178-FN, relative to the procedures of the board of examiners of psychology and mental health practice. (J. Brown, Straf/17, to Executive Departments and Administration)

HB 179-FN, allowing new legislators to receive a mileage allowance for attending the legislator's orientation program. (D. Sytek, Rock/26; M. Hill, Merr/16, to Legislative Administration)

HB 180-FN, relative to bonus payments and state employment preferences for Persian Gulf War veterans. (Rubin, Rock/25, to Public Protection and Veterans Affairs)

HB 181-FN-L, relative to fees charged for consultants' review of project plans. (M. Campbell, Rock/26, to Municipal and County Government)

HB 182-FN, requiring the members of executive branch boards and commissions to file financial disclosure statements. (B. Packard, Hills/19; Hunt, Ches/10; Syracuse, Rock/33, to Executive Departments and Administration)

HB 183-FN, relative to eligibility for parole. (D. Sytek, Rock/26; Record, Hills/27, to Corrections and Criminal Justice)

HB 184, establishing a study committee to examine options for the renovation or relocation of the Plymouth district courthouse. (Driscoll, Graf/7; D. Dow, Graf/7; W. King, Dist/2, to Public Works)

HB 185-FN, increasing the amount a deputy sheriff is paid when employed as a bailiff. (Record, Hills/27, to Judiciary)

HB 186, relative to notice by automobile insurance companies of policy cancellation. (Golden, Belk/5, to Commerce, Small Business and Consumer Affairs)

HB 187-FN, authorizing the division of public health services to charge fees for copies of data or statistical information. (Copenhaver, Graf/10, to Executive Departments and Administration)

HB 188, relative to special number plates for certain veterans. (Rubin, Rock/25, to Transportation)

HB 235-FN-A, relative to soil conservation districts and making a supplemental appropriation therefor. (Copenhaver, Graf/10; Teschner, Graf/5; Drake, Rock/24; Cole, Ches/11, to Appropriations)

HB 236-FN, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system. (B. Hall, Hills/20; Baldizar, Dist/12, to Public Works)

HB 237, requiring sporting clubs to recommend members to the fish and game commission. (Boucher, Rock/29; L'Heureux, Hills/18; Felch, Rock/21, to Wildlife and Marine Resources)

HB 238, authorizing a member of a cooperative school district to serve on a town budget committee. (J. Bradley, Carr/8, to Municipal and County Government)

HB 239-L, granting municipalities an option for quarterly billing and collection of property taxes. (Dunn, Merr/24, to Municipal and County Government)

HB 240, modifying the definition of obscene material. (A. Smith, Rock/26, to Judiciary)

HB 241-FN, establishing a procedure for medical decision-making on behalf of patients unable to make decisions for themselves. (Record, Hills/27; McLane, Dist/15, to Judiciary)

HB 242-FN, relative to the licensing and training of hoisting engineers. (Schanda, Rock/19; Cohen, Dist/24, to Executive Departments and Administration)

HB 243, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level. (Metzger, Ches/13; Royce, Ches/9; Ham, Graf/4; Wadsworth, Graf/14; Baldizar, Dist/12, to Municipal and County Government)

HB 244, relative to parking violation enforcement. (Syracusa, Rock/33, Municipal and County Government)

HB 245-FN, permitting the state treasurer to appoint 2 assistant state treasurers. (B. Packard, Hills/19; Burling, Sull/1, to Executive Departments and Administration)

HB 246, relative to health clubs. (Desrosiers, Hills/45, to Commerce, Small Business and Consumer Affairs)

HB 247, removing the requirement that an executor or trustee under a will give a bond for the payment of debt and legacy and succession taxes. (Woods, Rock/25, to Judiciary)

HB 248, to allow municipalities to decide the number of members who serve on recreation or park commissions. (N. Young, Belk/7, to Municipal and County Government)

HB 249-FN-A, relative to a lease-purchase agreement between the city of Franklin and the state to construct a new district courthouse. (Whittemore, Merr/13; J. Chandler, Merr/1; Gilbreth, Merr/13, to Public Works)

HB 250-FN-L, requiring the department of transportation to install a traffic signal light at the intersection of Parade Road, Elm Street and Meredith Center Road in Laconia. (Rosen, Belk/7; Dewhirst, Belk/7, to Public Works)

HB 251-L, to redistribute sweepstake funds. (J. Bradley, Carr/8; Dickinson, Carr/2; B. McCann, Hills/33; Cogswell, Carr/5; MacDonald, Dist/3, to Education)

HB 252-FN-L, allowing the wetlands board to adopt rules to expedite the permitting process for minimum impact projects. (Teschner, Graf/5; Ham, Graf/4; Cohen, Dist/24, to Resources, Recreation and Development)

HB 253, designating a portion of funds collected under the oil pollution control fund to train and equip personnel in oil spill response. (McGovern, Rock 35; Drake, Rock/24; Cohen, Dist/24, to Resources, Recreation and Development)

HB 254-FN, relative to the authority of the state treasurer to void state checks and relative to increasing the fee for checks returned to the state. (B. Packard, Hills/19; Burling, Sull/1, to Executive Departments and Administration)

HB 255-A, relative to interest rates on short-term borrowing by the state treasurer. (B. Packard, Hills/19; Burling, Sull/1, to Executive Departments and Administration)

HB 256, requiring probable cause for pupil locker searches and prohibiting videotaping in areas where pupils have a reasonable expectation of privacy. (D. Dow, Graf/7, to Judiciary)

HB 257-FN, relative to the disposition of revenue received by the bureau of common carriers, department of safety. (J. Chandler, Merr/1; G. Chandler, Carr/1; Schotanus, Sull/3; Rodeschin, Sull/4; Wheeler, Dist/11, to Public Works)

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers. (Crotty, Hills/43; Christie, Rock/22, to Transportation)

HB 259-FN, repealing the position of chancellor of the New Hampshire university system and related administrative positions. (Warburton, Rock/12, to Education)

HB 260-FN-A, establishing a used oil collection program and an automotive oil road toll to fund such program. (Rodeschin, Sull/4; B. McCann, Hills/33, to Environment and Agriculture)

HB 261-FN, transferring ownership of the Seabrook Commercial Fish Pier to the town of Seabrook. (Felch, Rock/21, to Executive Departments and Administration)

HB 262-FN, providing a 5 percent cost of living adjustment for teacher members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. (K. Ward, Graf/1; C. Brown, Graf/14; Dyer, Hills/8, to Executive Departments and Administration)

HB 263-FN, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Pearson, Ches/17, to Executive Departments and Administration)

HB 264-L, relative to appointments to the fish and game commission. (Burling, Sull/1, to Wildlife and Marine Resources)

HB 265, imposing penalties for careless driving. (L'Heureux, Hills/18, to Transportation)

HB 266-FN, regulating home improvement contractors. (Calawa, Hills/17, to Commerce, Small Business and Consumer Affairs)

HB 267, establishing the crime of luring a minor. (J. Brown, Straf/17; Shaheen, Dist/21, to Corrections and Criminal Justice)

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure. (J. Brown, Straf/17; Shaheen, Dist/21, to Corrections and Criminal Justice)

HB 269-FN, extending the minimum period for driver's license revocation or suspension for drug offenses. (Malcolm, Rock/22; LaMott, Graf/5; Shaheen, Dist/21; Roberge, Dist/9, to Corrections and Criminal Justice)

HB 270, relative to obtaining certain public utility company records. (Bartlett, Belk/6, to Judiciary)

HB 271, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws. (A. Merrill, Straf/8; Musler, Straf/6, to Environment and Agriculture)

HB 272, requiring a balanced state budget. (D. Young, Ches/2; F. Riley, Hills/44; D. Welch, Rock/18, to Appropriations)

HB 273, creating a committee to study county government. (Klemarczyk, Rock/20; Rubin, Rock/25, to Municipal and County Government)

HB 274, limiting the liability of the state or any political subdivision when there is property damage or personal injury on or near a beach and the beach is clearly marked closed. (J. Bradley, Carr/8, to Judiciary)

HB 275, allowing towns to create special funds for highway expenditures. (J. Chandler, Merr/1; Cowenhoven, Hills/14; Schotanus, Sull/3, to Municipal and County Government)

HB 276, prohibiting a public utilities commissioner or any staff person from communicating about any adjudicatory proceeding and requiring the office of the consumer advocate to be a party to each case before the commission. (Leonard Smith, Hills/25; Boucher, Rock/29; Fenton, Hills/24; Calawa, Hills/17, to Science, Technology and Energy)

HB 277-L, extending the powers of heritage commissions to historic district commissions. (McNerney, Hills/7; Fuller Clark, Rock/31; Metzger, Ches/13; Dunn, Merr/24, to Municipal and County Government)

HB 278, relative to joint building committees for the construction of schoolhouses. (Keans, Straf/16; McGrath, Straf/19, to Municipal and County Government)

HB 279, establishing a committee to examine the effects of phosphorus and phosphorus-based products on the water quality of New Hampshire lakes, ponds, and rivers. (J. Bradley, Carr/8; A. Merrill, Straf/8; Russman, Dist/19, to Resources, Recreation and Development)

HB 280, relative to zoning requirements for family day care homes. (Wadsworth, Graf/14; Metzger, Ches/13; Fuller Clark, Rock/31; Baldizar, Dist/12, to Municipal and County Government)

HB 281, to change the Salisbury and Warner town lines. (Nichols, Merr/2; J. Chandler, Merr/1; Currier, Dist/7, to Municipal and County Government)

HB 282-FN, clarifying the public utilities commission's authority to establish a temporary rate schedule and notifying rate payers of changes in rates or conditions of service. (Fenton, Hills/24; Calawa, Hills/17; Leonard Smith, Hills/25; Boucher, Rock/29, to Science, Technology and Energy)

HB 283-FN, requiring that all capital investments made by a utility be reasonable and useful for current customers before rates are increased to cover the costs of the improvements. (Calawa, Hills/17; Boucher, Rock/29; Leonard Smith, Hills/25; Fenton, Hills/24, to Science, Technology and Energy)

HB 284, regarding notice for condominium association meetings and relative to proxy voting by condominium owners. (McKinney, Rock/29; Mock, Carr/3; G. Chandler, Carr/1, to Commerce, Small Business and Consumer Affairs)

HB 285, establishing a study committee to review treatment by the court system of women and children in marital and domestic violence disputes. (Burling, Sull/1, to Judiciary)

HB 286, permitting towns to regulate the placement of fill. (Adams, Graf/14; Bean, Graf/14; Wadsworth, Graf/14, to Municipal and County Government)

HB 287, relative to petition to the division of water resources by a municipality for dam disrepair. (Schoanus, Sull/3; Leonard Smith, Hills/25, to Resources, Recreation and Development)

HB 288, relative to teacher representation on the New Hampshire retirement system board of trustees. (C. Jean, Hills/32; Drabinowicz, Hills/36; D. Cote, Hills/29; Baldizar, Dist/12; Pignatelli, Dist/13, to Executive Departments and Administration)

HB 289, establishing a committee to study the relationships between counties and municipalities. (Salatiello, Belk/2, to Municipal and County Government)

HB 290, establishing priority of real estate tax liens. (B. Packard, Hills/19, to Commerce, Small Business and Consumer Affairs)

HB 291, removing the duplicate copy reference on duplicate licenses. (Lozeau, Hills/30, to Transportation)

HB 292, relative to a home care clients' bill of rights. (I. Pratt, Ches/5; K. Foster, Ches/19; Burnham, Ches/8; Amidon, Hills/9; Blaisdell, Dist/10; McLane, Dist/15, to Health, Human Services and Elderly Affairs)

HB 293, relative to notice to tenants prior to the sale of a manufactured housing park. (Soldati, Merr/21; Newland, Merr/15; Shaheen, Dist/21, to Commerce, Small Business and Consumer Affairs)

HB 294, clarifying municipal liability relative to salting highways. (Kurk, Hills/5; Burling, Sull/1, to Judiciary)

HB 295, requiring owners of private launch ramps who charge fees for the use of such ramps to provide toilet facilities. (Weeks, Merr/24; Teague, Merr/20; Whittemore, Merr/13; Feuerstein, Merr/13; J. Bradley, Carr/8; McLane, Dist/15, to Resources, Recreation and Development)

HB 296, relative to death with dignity and repealing the prohibition against causing or aiding suicide. (R. Campbell, Belk/4, to Judiciary)

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas. (Daigle, Hills/28; Hanselman, Hills/21; Record, Hills/27; B. Hall, Hills/20; B. McCann, Hills/33, to Transportation)

HB 298-L, authorizing bonding by the town of North Hampton. (Woods, Rock/25, to Municipal and County Government)

HB 299-L, to allow a person to serve only on the conservation commission, the planning board, or the zoning board of adjustment at the same time. (Salatiello, Belk/2, to Municipal and County Government)

HB 300, establishing a committee to study the procedural and processing requirements which the current use laws place on municipalities. (Salatiello, Belk/2, to Environment and Agriculture)

HB 301-L, authorizing towns to vote to appropriate funds to be used to pay the closing costs of town solid waste facilities over a period of time specified in a contract. (Malcolm, Rock/22; Groves, Rock/22, to Municipal and County Government)

HB 302, establishing a time limit on handicapped parking spaces. (Syracusa, Rock/33, to Municipal and County Government)

HB 303, changing the manner in which a person accepts nomination for office by write-in vote. (Gilmore, Straf/11; Flanagan, Rock/14; Holden, Hills/14, to Constitutional and Statutory Revision)

HB 304, increasing the allowable income levels for the adjustable and optional elderly exemptions. (A. Smith, Rock/26; Carl Johnson, Belk/1, to Municipal and County Government)

HB 305, requiring legislative committee chairpersons and vice-chairpersons to be appointed according to party affiliation. (O'Brien, Straf/4, to Legislative Administration)

HB 306, relative to the right to vote after a voter's name is removed from the checklist. (Jasper, Hills/23; D. Sytek, Rock/26, to Constitutional and Statutory Revision)

HB 307, permitting municipalities to contract with their road agents without competitive bidding. (P. Cote, Rock/9, to Municipal and County Government)

HB 308, establishing a committee to study the viability of SAUs, and whether a school district should vote on whether to belong to an SAU. (D. Young, Ches/2, to Education)

HB 309, prohibiting service-connected disability payments from being used in the calculation of alimony. (D. Young, Ches/2; Blaisdell, Dist/10, to Judiciary)

HB 310, relative to the definition of "bedroom" for the purposes of determining septic system size. (D. Young, Ches/2, to Resources, Recreation and Development)

HB 311, increasing the membership on the New Hampshire retirement system board of trustees. (R. Wheeler, Hills/7, to Executive Departments and Administration)

HB 312, relative to protecting New Hampshire's heritage landmarks and establishing a review process. (Sallada, Hills/4, to Resources, Recreation and Development)

HB 313, relative to mortgage insurance. (Pepino, Hills/40, to Commerce, Small Business and Consumer Affairs)

HB 314, relative to commingling of funds and security deposits. (Pepino, Hills/40, to Commerce, Small Business and Consumer Affairs)

HB 315, to require the wearing of motorcycle protective headgear. (Guest, Graf/10; Gilbreth, Merr/13; P. Brown, Graf/11; Carter, Merr/7; J. Wall, Straf/9, to Transportation)

HB 316, relative to assessments by the joint underwriters association. (Copenhaver, Graf/10, to Commerce, Small Business and Consumer Affairs)

HB 317, requiring any surplus general fund moneys to be used to pay for solid waste facility closures. (Trombly, Merr/4; Buckley, Hills/44; K. Rogers, Merr/22, to Appropriations)

HB 318, changing the requirements for filing notices of intent to cut. (Ferguson, Hills/13, to Resources, Recreation and Development)

HB 319, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal. (Dodge, Hills/18; Crotty, Hills/43; Turgeon, Hills/47; Christie, Rock/22, to Public Works)

HB 320, permitting municipalities with burn authorizations to burn leaf or yard waste until the burn authorization expires. (G. Wiggin, Carr/6, to Environment and Agriculture)

HB 321, prohibiting public officers from altering documents filed by the public. (G. Wiggin, Carr/6, to Corrections and Criminal Justice)

HB 322, requiring the insurance department in cooperation with insurers to define the term "usual and customary." (Braiterman, Merr/3, to Commerce, Small Business and Consumer Affairs)

HB 323, allowing municipalities to waive payment of up to 90 days of interest on the amount by which property taxes are in excess of the total amount of property taxes in the previous tax year. (Franks, Hills/26; M. Holt, Hills/26; B. McCann, Hills/33; D. Holt, Hills/35; Pignatelli, Dist/13; J. King, Dist/18; Hollingworth, Dist/23; Shaheen, Dist/21, to Municipal and County Government)

HB 324, relative to conditional discharge of a patient under the mental health laws. (Senter, Rock/16; Manning, Ches/9, to Corrections and Criminal Justice)

HB 325, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates. (R. Hawkins, Belk/3, to Municipal and County Government)

HB 326, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession. (Woods, Rock/25, to Commerce, Small Business and Consumer Affairs)

HB 327, establishing a committee to study discrepancies between New Hampshire Blue Cross/Blue Shield and Massachusetts Blue Cross/Blue Shield. (Hunter, Hills/7, to Commerce, Small Business and Consumer Affairs)

HB 328, relative to payment of mortgage loan proceeds at closings. (R. Wheeler, Hills/7; Hunter, Hills/7, to Commerce, Small Business and Consumer Affairs)

HB 329, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (Gargiulo, Rock/25, to Commerce, Small Business and Consumer Affairs)

HB 330, relative to the authority of municipalities to designate certain roads as class V highways. (Salatiello, Belk/2, to Municipal and County Government)

HB 331, establishing a committee to study the relationship between the state and municipalities regarding home rule. (Salatiello, Belk/2, to Municipal and County Government)

HB 332, authorizing municipalities to create revolving funds to support public recreation parks. (Salatiello, Belk/2, to Municipal and County Government)

HB 333, requiring health insurers to notify New Hampshire policy holders who have out-of-state insurance that they may incur different charges than those insured under an in-state plan by the same company. (Hunter, Hills/7, to Commerce, Small Business and Consumer Affairs)

HB 334, establishing a committee to study and evaluate the manner in which the scope of responsibility and relationship of the department of revenue administration to municipalities can be enhanced. (Salatiello, Belk/2, to Municipal and County Government)

HB 335, relative to listing the names of candidates on ballots used in voting machines. (Ackerman, Hills/26, to Constitutional and Statutory Revision)

HB 336, relative to voter registration in cities. (C. Brown, Graf/14, to Constitutional and Statutory Revision)

HB 337, limiting the liability of volunteer and part-paid fire service instructors. (Burling, Sull/1; O'Rourke, Hills/39, to Judiciary)

HB 338, limiting liability of landowners who, without charge, allow their land to be used for fire, rescue or emergency training. (Burling, Sull/1, to Judiciary)

HB 339, relative to reporting requirements for elected officials and candidates. (D. Sytek, Rock/26; Gilmore, Straf/11, to Constitutional and Statutory Revision)

HB 340, relative to technical changes in the small employer insurance law. (Mercer, Hills/27; Lindblade, Sull/7; Syracuse, Rock/33, to Commerce, Small Business and Consumer Affairs)

HB 341, relative to a small employer insurance availability act. (Mercer, Hills/27; Syracuse, Rock/33; Lindblade, Sull/7, to Commerce, Small Business and Consumer Affairs)

HB 342-L, relative to the use of revenue derived from parking meters for public transportation systems. (Nordgren, Graf/10; Weeks, Merr/24; Bean, Graf/14; Wadsworth, Graf/14, to Municipal and County Government)

HB 343, relative to an engineer's good samaritan act. (J. Chandler, Merr/1, to Judiciary)

HB 344-A, relative to a municipality's share of construction and repair of bridges and adding the Thompson bridge in Swanzey to the bridge reconstruction plan. (Perry, Ches/11; Cole, Ches/11; Blaisdell, Dist/10, to Public Works)

HB 345, establishing procedures for expediting resolution of medical injury claims. (Record, Hills/27; Burling, Sull/1, to Judiciary)

HB 346, relative to the award of damages for loss of consortium and loss of society and companionship. (DePecol, Ches/14; Hollingworth, Dist/23, to Judiciary)

HB 347, authorizing the forfeiture of automobiles as a penalty for prostitution violations. (Pepino, Hills/40, to Judiciary)

HB 348, standardizing forms used by insurance companies for medical benefits claims. (K. Foster, Ches/19; Fuller Clark, Rock/31; Copenhaver, Graf/10; R. Foster, Carr/10; Haettenschwiller, Hills/29; J. King, Dist/18; McLane, Dist/15, to Commerce, Small Business and Consumer Affairs)

HB 349, requiring that selectmen or assessing officials be allowed access to property as a prerequisite to appeal of any matter pertaining to a property tax. (Apple, Merr/11, to Municipal and County Government)

HB 350, authorizing municipalities and the public utilities commission to regulate cable television rates to the extent that federal law permits. (J. Flanders, Rock/18; Weyler, Rock/18; Welch, Rock/18, to Science, Technology and Energy)

HB 351, relative to the positions of town clerk, town treasurer, and tax collector and the terms for such positions. (Musler, Straf/6, to Municipal and County Government)

HB 352, requiring DWI offenders to supply a certified copy of their New Hampshire driver's license record at the time of enrollment into an impaired driver intervention program. (Wallner, Merr/24; Lozeau, Hills/30, to Transportation)

HB 353, relative to the police commission in the town of Conway. (Allard, Carr/2, to Municipal and County Government)

HB 354, relative to electing planning board members in towns without a town council form of government. (E. Moore, Hills/6, to Municipal and County Government)

HB 355, establishing a study committee to determine whether the bureau of weights and measures should be within the department of safety. (D. Sytek, Rock/26; Jasper, Hills/23, to Executive Departments and Administration)

HB 356-L, relative to legal disputes between the state and counties regarding Article 28-a violations. (Record, Hills/27, to Judiciary)

HB 357, allowing the department of motor vehicles to revoke a license for up to 10 years for accidents involving a fatality. (Hambrick, Straf/7, to Transportation)

HB 358, allowing the creation of or participation in professional corporations by physician assistants. (Nardi, Hills/39; Rothhaus, Hills/18; Murphy, Hills/42; Buckley, Hills/44; L'Heureux, Hills/18, to Commerce, Small Business and Consumer Affairs)

HB 359, making a technical change relative to class II highways. (Burnham, Ches/8, to Public Works)

HB 360, allowing municipalities to adopt a new optional elderly property tax relief exemption. (Rose, Graf/12; O'Brien, Straf/4, to Municipal and County Government)

HB 361, relative to credit finance charges. (Newman, Rock/4, to Commerce, Small Business and Consumer Affairs)

HB 362, requiring vehicle light use during any period windshield wipers are in operation. (Avery, Ches/8; Dickinson, Carr/2; Malcolm, Rock/22; Cohen, Dist/24, to Transportation)

HB 363, exempting nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from obtaining such license in this state. (Kennedy, Merr/7; D. Wheeler, Dist/11; Currier, Dist/7, to Public Protection and Veterans Affairs)

HB 364, relative to the practice of architecture. (P. Wells, Hills/16, to Executive Departments and Administration)

HB 365, prohibiting a person convicted of a felony, sentenced to prison and appealing such sentence, from release on bail. (Newman, Rock/4, to Corrections and Criminal Justice)

HB 366-L, allowing the town moderator to mediate certain disputes. (Salatiello, Belk/2, to Municipal and County Government)

HB 367, requiring parental notification before abortions may be performed on unemancipated minors. (Noyes, Rock/26; Domini, Sull/6; Bowers, Hills/15; D. Wheeler, Dist/11; Roberge, Dist/9, to Judiciary)

HB 368, relative to the definition of "good cause" for the purpose of property tax abatements. (Fenton, Hills/24; N. Young, Belk/7; Calawa, Hills/17; Domaingue, Hills/44; Jasper, Hills/23, to Municipal and County Government)

HB 369, establishing a committee to study the issue of radon levels in the state of New Hampshire. (Linda Smith, Belk/5, to Environment and Agriculture)

HB 370, establishing a local government advisory committee. (Linda Smith, Belk/5; Salatiello, Belk/2, to Legislative Administration)

HB 371, relative to the appointment and qualifications of the commissioners of a local housing authority. (Chester, Rock/20; Klemarczyk, Rock/20; D. Flanders, Rock/20, to Municipal and County Government)

HB 372, relative to allowable bingo hall rental fees. (Fenton, Hills/24; N. Young, Belk/7; Calawa, Hills/17, to Regulated Revenues)

HB 373, relative to notification of employees of corrections facilities after exposure to infectious diseases. (P. Wells, Hills/16, to Health, Human Services and Elderly Affairs)

HB 374, relative to testing inmates in county correctional facilities for infectious diseases. (P. Wells, Hills/16, to Health, Human Services and Elderly Affairs)

HB 375, allowing surviving spouses to retain POW plates. (Pfaff, Merr/11; Langer, Merr/11, to Transportation)

HB 376, allowing nonprofit corporations to elect to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund on an annual basis. (Allen, Hills/1, to Labor, Industrial and Rehabilitative Services)

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments. (M. Holt, Hills/26, to Transportation)

HB 378, relative to the selection of members of the wetlands board. (Ham, Graf/4, to Resources, Recreation and Development)

HB 379, requiring that map and lot numbers be included on deeds. (Hunt, Ches/10, to Municipal and County Government)

HB 380, relative to the voting procedure at primary elections for registered members of political parties. (Record, Hills/27; Flanagan, Rock/14; Fenton, Hills/24, to Constitutional and Statutory Revision)

HB 381, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot. (Malcolm, Rock/22; Groves, Rock/22, to Constitutional and Statutory Revision)

HB 382, changing the annual rate of interest on judgments and business transactions. (Mercer, Hills/27; Record, Hills/27; Senter, Rock/16, to Commerce, Small Business and Consumer Affairs)

HB 383, establishing a health and recreation trails committee. (Hashem, Straf/6; Caswell, Rock/19, to Resources, Recreation and Development)

HB 384, allowing the public utilities commission to limit expenditures of a public utility in a rate case. (Leonard Smith, Hills/25; Boucher, Rock/29; Calawa, Hills/17; Fenton, Hills/24; Barnes, Dist/17, to Science, Technology and Energy)

HB 385-L, enabling public school districts to contract with private schools to provide for the education of at-risk students. (Hunt, Ches/10, to Education)

HB 386, allowing the supreme court to change the status of a district court justice from special to full-time, under certain circumstances. (Burling, Sull/1, to Judiciary)

HB 387, relative to the use of gender neutral language in New Hampshire. (Wallner, Merr/24; Burling, Sull/1; K. Wheeler, Straf/8; Soldati, Merr/21; McLane, Dist/15; W. King, Dist/2; Shaheen, Dist/21, to Legislative Administration)

HB 388, relative to disclosures by the seller of real property. (Dowling, Rock/13, to Commerce, Small Business and Consumer Affairs)

HB 389, relative to information which need not be disclosed in the sale of property. (Dowling, Rock/13; E. Smith, Ches/6, to Commerce, Small Business and Consumer Affairs)

HB 390 to limit the terms of office for the members of the United States Congress from New Hampshire. (Gilmore, Straf/11; N. Young, Belk/7; Hart, Hills/37; Domaingue, Hills/44; Welch, Rock/18; Barnes, Dist/17; Currier, Dist/7, to State-Federal Relations)

HB 391, establishing a committee to study whether to establish a public pay equity system in determining state, county and municipal employee compensation. (G. Katsakiores, Rock/13, to Executive Departments and Administration)

HB 392, relative to merchants' refund policies. (Durham, Hills/22, to Commerce, Small Business and Consumer Affairs)

HB 393, relative to duties of supervisors of a checklist. (Holden, Hills/14; Gilmore, Straf/11, to Constitutional and Statutory Revision)

HB 394, relative to discrimination in automobile insurance policies. (Allison, Sull/10; Cloutier, Sull/8; Braiterman, Merr/3; Fillion, Merr/17; K. Wheeler, Straf/8, to Commerce, Small Business and Consumer Affairs)

HB 395, relative to death with dignity for certain persons suffering terminal illness. (Guest, Graf/10; Copenhaver, Graf/10; McIlwaine, Graf/3; P. Brown, Graf/11; McGovern, Rock/35, to Judiciary)

HB 396, establishing a committee to study mechanisms of funding and providing long-term care for the elderly. (Kurk, Hills/5, to Health, Human Services and Elderly Affairs)

HB 397, eliminating de novo appeals in certain cases of license suspension or revocation and changing the venue of such appeals. (Lozeau, Hills/30, to Judiciary)

HB 398, relative to driver education reciprocity. (Senter, Rock/16, to Transportation)

HB 399, modifying a certain portion of the blue laws regarding Sunday business activity. (Buckley, Hills/44, to Commerce, Small Business and Consumer Affairs)

HB 400, authorizing the division of water resources to acquire the Oliverian Dam in Benton. (Teschner, Graf/5; Copenhaver, Graf/10; Dickinson, Carr/2; W. King, Dist/2, to Resources, Recreation and Development)

HB 401, rejecting the "fireman's rule" in New Hampshire. (Buckley, Hills/44; DePecol, Ches/14; Bourque, Dist/20, to Judiciary)

HB 402, encouraging the composting of food wastes and recycling of construction and demolition debris. (Gilmore, Straf/11; A. Merrill, Straf/8; Barnes, Dist/17, to Environment and Agriculture)

HB 403, prohibiting cable television companies from charging for more than one cable connection per residence. (Lozeau, Hills/30, to Science, Technology and Energy)

HB 404, relative to reporting requirements for political committees. (Flanagan, Rock/14; Gilmore, Straf/11; Holden, Hills/14, to Constitutional and Statutory Revision)

HB 405, relative to financing of manufactured housing. (Lozeau, Hills/30, to Commerce, Small Business and Consumer Affairs)

HB 406, establishing a committee to study pet overpopulation. (K. Wheeler, Straf/8; Ziegra, Belk/5; P. Cote, Rock/9; Salatiello, Belk/2; Cohen, Dist/24, to Health, Human Services and Elderly Affairs)

HB 407, making technical changes to the laws governing the courts. (Burling, Sull/1; Podles, Dist/16, to Judiciary)

HB 408, providing for grace periods on and adjustments to mortgage payments prior to a foreclosure. (Gorman, Rock/8, to Commerce, Small Business and Consumer Affairs)

HB 409, establishing a committee to study and recommend an abortion policy. (Hemon, Straf/11, to Judiciary)

HB 410-L, relative to the election of town officers and the appointment of a deputy town treasurer. (Williamson, Rock/3; D. Sytek, Rock/26; Lovejoy, Rock/12; Newman, Rock/4; Barnes, Dist/17, to Municipal and County Government)

HB 411-FN-L, relative to the hours of polling in cities and towns. (Fuller Clark, Rock/31, to Constitutional and Statutory Revision)

HB 412-FN, allowing liquor licenses for billiard facilities. (B. Moore, Rock/21, to Regulated Revenues)

HB 413-FN, relative to plumbers and plumbing. (LaMott, Graf/5; Dewhirst, Belk/7; O'Rourke, Hills/39, to Executive Departments and Administration)

HB 414-FN-L, providing a 2 percent cost of living adjustment for permanent firemen members of the retirement system. (O'Rourke, Hills/39; LaMott, Graf/5; Pepino, Hills/40; Smart, Hills/29; Reidy, Hills/46, to Executive Departments and Administration)

HB 415-FN-L, relative to partial payments of past due property taxes. (Buckley, Hills/44, to Municipal and County Government)

HB 416-FN, transferring all authority over OHRVs from the fish and game department to the bureau of off highway recreational vehicles in the department of resources and economic development. (Boucher, Rock/29, to Executive Departments and Administration)

HB 417-FN, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. (K. Ward, Graf/1; Dyer, Hills/8; C. Brown, Graf/14, to Executive Departments and Administration)

HB 418, relative to costs of prevailing employees under the workers' compensation law. (Palmer, Sull/11; Cloutier, Sull/8; Laughlin, Hills/41, to Labor, Industrial and Rehabilitative Services)

HB 419-FN-L, requiring seatbelts on all buses transporting school children. (Ahlgren, Hills/40; Dwyer, Hills/43; J. King, Dist/18; Bourque, Dist/20, to Transportation)

HB 420, relative to the instructions to voters on ballots. (K. Rogers, Merr/22; DePecol, Ches/14, to Constitutional and Statutory Revision)

HB 421, relative to reorganization of the executive branch of state government. (Warburton, Rock/12, to Executive Departments and Administration)

HB 422-FN-A, exempting meals under \$1 from the meals and rooms tax. (Welch, Rock/18, to Ways and Means)

HB 423-FN, creating a crimeline fund and authorizing judges to order persons convicted of certain offenses to pay an amount to the crimeline fund. (O'Rourke, Hills/39; LaMott, Graf/5; Pepino, Hills/40; Stamatakis, Sull/5; D. Cote, Hills/29; Bourque, Dist/20; J. King, Dist/18, to Corrections and Criminal Justice)

HB 424-FN, permitting the state treasurer to pay the costs of bank services from income generated by the state treasury. (B. Packard, Hills/19; Burling, Sull/1, to Executive Departments and Administration)

HB 425-A, relative to Hampton harbor dredging and making an appropriation therefor. (Felch, Rock/21, to Public Works)

HB 426-FN, allowing reimbursement for cleanup of leaks from above ground tanks. (Peyron, Sull/4; J. Kane, Sull/11, to Resources, Recreation and Development)

HB 427-FN, relative to cost-of-living increases in the AFDC standard of need. (Amidon, Hills/9; Copenhagen, Graf/10; Senter, Rock/16, to Health, Human Services and Elderly Affairs)

HB 428-FN-L, authorizing the county convention for Rockingham county to employ a delegation coordinator. (D. Sytek, Rock/26; Conroy, Rock/13; B. McKinney, Rock/29; Welch, Rock/18, to Municipal and County Government)

HB 429, limiting liability of trappers for certain accidents involving domestic animals. (Kruse, Rock/26, to Judiciary)

HB 430-FN-L, establishing a recall procedure for elected state and local public officials. (Gorman, Rock/8; Stone, Rock/7; Warburton, Rock/12, to Constitutional and Statutory Revision)

HB 431-FN-A, establishing a 5 percent tax on golf fees to benefit education. (O'Brien, Straf/4, to Ways and Means)

HB 432-FN, authorizing the racing commission to license electronic games of chance only at pari-mutuel wagering race tracks. (Felch, Rock/21, to Regulated Revenues)

HB 433-FN-L, providing a cost of living adjustment for group I and group II retirement system members. (W. McCann, Straf/11, to Executive Departments and Administration)

HB 434-FN, relative to the assessment of the oil import license fee. (Holbrook, Belk/7, to Resources, Recreation and Development)

HB 435-FN, relative to an alternate state contribution for surface water treatment systems. (Larson, Graf/8, to Resources, Recreation and Development)

HB 436-FN, requiring the division of motor vehicles to provide limited driving privileges to certain persons who have lost their privileges. (Hutchinson, Rock/29, to Transportation)

HB 437-FN, requiring parents involved with child custody or support issues to participate in certain seminars. (Wallner, Merr/24; Lozeau, Hills/30; C. Moore, Merr/19; Baldizar, Dist/12, to Children, Youth and Juvenile Justice)

HB 438-FN, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number. (Pepino, Hills/40, to Public Protection and Veterans Affairs)

HB 439, relative to the profession of engineering. (J. Chandler, Merr/1; R. Hawkins, Belk/3, to Executive Departments and Administration)

HB 440-FN, providing a 2 percent cost of living adjustment for certain employee members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. (K. Ward, Graf/1; Dyer, Hills/8; C. Brown, Graf/14, to Executive Departments and Administration)

HB 441-FN, requiring all water utilities to perform a cost of service study to ensure that they are charging only for the actual expense of providing service to a particular town. (Boucher, Rock/29; Leonard Smith, Hills/25; Calawa, Hills/17; Fenton, Hills/24, to Science, Technology and Energy)

HB 442-FN, creating the New Hampshire trade port commission. (Syracusa, Rock/33; Vaughn, Rock/35, to Commerce, Small Business and Consumer Affairs)

HB 443, relative to the applicability of the state-federal unemployment compensation extended benefit program and relative to the status of the commissioner of the department of employment security as an interested party in cases in controversy at the administrative level. (Skinner, Rock/27; Turner, Belk/7, to Labor, Industrial and Rehabilitative Services)

HB 444-FN, allowing citizens to register to vote while applying for driver's licenses. (DePecol, Ches/14; Fuller Clark, Rock/31; Cohen, Dist/24; Baldizar, Dist/12, to Constitutional and Statutory Revision)

HB 445-FN-A, requiring a study of state and local expenditures and making an appropriation therefor. (Teschner, Graf/5; Kurk, Hills/5; D. Sytek, Rock/26; D. Hall, Merr/10; Buckley, Hills/44; Barnes, Dist/17; Blaisdell, Dist/10, to Legislative Administration)

HB 446, relative to appointing inspectors of election for school district elections. (Fenton, Hills/24; Domaingue, Hills/44, to Constitutional and Statutory Revision)

HB 447-A, to acquire land at Odiorne Point and making an appropriation therefor. (Drake, Rock/24; Peyron, Sull/4; Richards, Rock/23; Vaughn, Rock/35; Blaisdell, Dist/10, to Public Works)

HB 448, to define total expenditures made during a state primary campaign. (Gilmore, Straf/11; Flanagan, Rock/14; Holden, Hills/14, to Constitutional and Statutory Revision)

HB 449, relative to listing candidates on general election ballots. (Gilmore, Straf/11; Flanagan, Rock/14; Holden, Hills/14, to Constitutional and Statutory Revision)

HB 450-FN-A, appropriating matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord. (Fuller Clark, Rock/31, to Public Works)

HB 451-FN, regulating naturopathic health care practice. (K. Wheeler, Straf/8; Holmes, Merr/14; J. Bradley, Carr/8; DiPietro, Rock/20; K. Foster, Ches/19; Cohen, Dist/24, to Health, Human Services and Elderly Affairs)

HB 452-FN, establishing a moratorium on increasing or converting inpatient beds in or to licensed nursing homes, and nursing facilities and to and from residential care facilities and creating a committee to study the issue. (Nardi, Hills/39; Jasper, Hills/23; Podles, Dist/16; Bourque, Dist/20, to Health, Human Services and Elderly Affairs)

HB 453-FN, relative to delays in processing applications for state public assistance. (T. Cain, Belk/3; Senter, Rock/16; Domini, Sull/6; Lynch, Ches/19; G. Wiggin, Carr/6; J. King, Dist/18, to Health, Human Services and Elderly Affairs)

HB 454-FN, removing the requirement that courts approve temporary transfers of county prisoners. (Record, Hills/27, to Corrections and Criminal Justice)

HB 455-FN, increasing the funds available for prevention programs from 5 percent to 15 percent of the appropriation to the division for children and youth services. (Wallner, Merr/24; Nordgren, Graf/10, to Children, Youth and Juvenile Justice)

HB 456-FN, modifying the bail statutes relative to persons arrested for violating certain protective orders. (D. Sytek, Rock/26; Carl Johnson, Belk/1; J. Bradley, Carr/8, to Corrections and Criminal Justice)

HB 457, making fee splitting or accepting fees for referrals grounds for suspension or revocation of a pharmacy license. (Mercer, Hills/27; Lindblade, Sull/7; Record, Hills/27, to Commerce, Small Business and Consumer Affairs)

HB 458-FN-L, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily. (Wadsworth, Graf/14; Perry, Ches/11; R. Wheeler, Hills/7; W. McCann, Straf/11; R. Gage, Hills/7; Fraser, Dist/4; W. King, Dist/2; Currier, Dist/7, to Health, Human Services and Elderly Affairs)

HB 459-FN-A, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. (K. Wheeler, Straf/8; McIlwaine, Graf/3; Copenhaver, Graf/10; Bell, Rock/33; J. Brown, Straf/17; McLane, Dist/15, to Health, Human Services and Elderly Affairs)

HB 460, allowing the court to order offenders to pay restitution to the victims' assistance fund. (Record, Hills/27; Burling, Sull/1; Daigle, Hills/28; Gross, Merr/18, to Judiciary)

HB 461-FN, establishing a special organization license plate program. (M. Holt, Hills/26, to Transportation)

HB 462-FN, relative to the victims' assistance fund. (Copenhaver, Graf/10, to Judiciary)

HB 463-FN-L, allowing municipalities reimbursement from the state for aid paid to persons in need due to a delay in aid at the state level. (Salatiello, Belk/2, to Executive Departments and Administration)

HB 464-FN-A, making merchant marine veterans eligible for veterans' bonus programs and authorizing such payments from the general fund. (Feuerstein, Merr/13; Dewhirst, Belk/7, to Public Protection and Veterans Affairs)

HB 465-FN-A, extending the surcharge on the real estate transfer tax. (D. Sytek, Rock/26; Cowenhoven, Hills/14, to Ways and Means)

HB 466-FN-L, allowing public access for swimming on all great ponds. (C. Cote, Rock/11, to Resources, Recreation and Development)

HB 467-FN-L, relative to increasing the percentage of state road assistance funds to towns and cities. (Rose, Graf/12; Boucher, Rock/29; Adams, Graf/14; Disnard, Dist/8, to Public Works)

HB 468-FN, reorganizing the department of health and human services. (Warburton, Rock/12, to Executive Departments and Administration)

HB 469-A, allowing the state treasurer to issue bonds to pay for debt issuance costs. (B. Packard, Hills/19; Burling, Sull/1, to Executive Departments and Administration)

HB 470-FN-L, allowing the governing body of a municipality to set an interest rate on taxes on tax-redeemed property. (Daniels, Hills/13; Fuller Clark, Rock/31; Moncrief, Hills/13; G. Katsakiores, Rock/13; Wheeler, Dist/11; Lovejoy, Dist/6, to Municipal and County Government)

HB 471-FN, relative to default for failure to appear in court or plea by mail. (Lozeau, Hills/30, to Judiciary)

HB 472-FN, exempting certain used oil marketers from the hazardous waste cleanup fund fees. (Rodeschin, Sull/4; B. McCann, Hills/33, to Environment and Agriculture)

HB 473-FN, exempting certain charitable organizations from certain charitable trust filing fees. (Scanlan, Graf/11; P. Brown, Graf/11; Hough, Dist/5, to Commerce, Small Business and Consumer Affairs)

HB 474, prohibiting automobile insurers from requiring coverage for an insured automobile for persons in the insured's household under age 25, if the person under age 25 does not drive the insured automobile. (Rice, Belk/7; A. Merrill, Straf/8; Rosen, Belk/7, to Commerce, Small Business and Consumer Affairs)

HB 475, relative to special permits for the use of crossbows by physically disabled persons. (D. Cote, Hills/29; G. Merrill, Coos/1; Drake, Rock/24; Cohen, Dist/24, to Wildlife and Marine Resources)

HB 476, establishing the crime of stalking. (D. Sytek, Rock/26; Burling, Sull/1; J. Bradley, Carr/8; Record, Hills/27; Carl Johnson, Belk/1; Yennaco, Rock/27; McLane, Dist/15; W. King, Dist/2; Shaheen, Dist/21, to Corrections and Criminal Justice)

HB 477, to change the date for holding the state primary election. (Teague, Merr/20; Gross, Merr/18; Fraser, Dist/4, to Constitutional and Statutory Revision)

HB 478-L, allowing municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption. (Holmes, Merr/14; G. Katsakiores, Rock/13; Daneault, Merr/12; Peyron, Sull/4; Knowles, Straf/11; Stapleton, Merr/9, to Municipal and County Government)

HB 479, establishing a study committee to recommend regulations applicable to wrecker operators. (Rice, Belk/7, to Transportation)

HB 480, limiting the liability of landowners who allow their land to be used for outdoor recreational or educational purposes. (Burling, Sull/1; McLane, Dist/15, to Judiciary)

HB 481, enabling municipalities to enact noise ordinances. (Leonard Smith, Hills/25; Searles, Hills/23; Jasper, Hills/23; Lessard, Hills/23, to Municipal and County Government)

HB 482, providing when a division of land is not considered a subdivision subject to local subdivision regulation. (Dickinson, Carr/2; Schotanus, Sull/3; Currier, Dist/7, to Municipal and County Government)

HB 483-FN-L, relative to the licensing of dogs. (Dickinson, Carr/2; Trelfa, Graf/2; Peyron, Sull/4; W. King, Dist/2; MacDonald, Dist/3, to Municipal and County Government)

HB 484-L, requiring the Hillsborough county commissioners to order reductions in county expenditures, under certain circumstances. (Kurk, Hills/5; B. Packard, Hills/19, to Municipal and County Government)

HB 485, prohibiting casino gambling in New Hampshire. (Salatiello, Belk/2, to Regulated Revenues)

HB 486, designating segments of the Piscataquog River for the rivers management and protection program. (Kurk, Hills/5; Sallada, Hills/4; E. Moore, Hills/6; Podles, Dist/16; Currier, Dist/7, to Resources, Recreation and Development)

HB 487, relative to recapturing funds expended on medicaid recipients. (Kurk, Hills/5, to Health, Human Services and Elderly Affairs)

HB 488, authorizing the commissioner of corrections to recommend a prisoner to the adult parole board if the prisoner has completed certain programs or treatment. (Braiterman, Merr/3; C. William Johnson, Merr/7; E. Moore, Hills/6; Apple of Merr/11; Podles, Dist/16, to Corrections and Criminal Justice)

HB 489, authorizing the establishment of municipal trails. (Metzger, Ches/13; P. Brown, Graf/11; Durham, Hills/22; McLane, Dist/15, to Municipal and County Government)

HB 490, permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared. (Whittemore, Merr/13; Holden, Hills/14; Flanagan, Rock/14; Gilmore, Straf/11; Lown, Hills/14, to Constitutional and Statutory Revision)

HB 491-FN-A-L, requiring that certain medicaid enhancement funds be used to augment the funding distributed under the Augenblick formula for state aid to education. (Teague, Merr/20; Weeks, Merr/24; D. Hall, Merr/10; Schotanus, Sull/3; Yeaton, Merr/10; Carter, Merr/7; Pignatelli, Dist/13; McLane, Dist/15, to Appropriations)

HB 492-FN-A, relative to the veterans' cemetery committee and site suitability testing for a veterans' cemetery and making an appropriation therefor. (Fenton, Hills/24; Christie, Rock/22; Boucher, Rock/29; Welch, Rock/18; Fields, Hills/18; Cohen, Dist/24, to Public Protection and Veterans Affairs)

HB 493, revising the laws that require a prescription to purchase a hypodermic needle. (Copenhaver, Graf/10; C. Kane, Rock/34; Trombly, Merr/4; Splaine, Rock/36, to Health, Human Services and Elderly Affairs)

HB 494, establishing a joint committee on recodification of solid waste laws. (A. Merrill, Straf/8; J. Bradley, Carr/8; Burnham, Ches/8; Messier, Hills/46; B. Hall, Hills/20; W. King, Dist/2; Russman, Dist/19, to Environment and Agriculture)

HB 495, establishing a committee to study the feasibility of allowing casino gambling in the state of New Hampshire. (Rice, Belk/7, to Regulated Revenues)

HB 496, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation. (Conroy, Rock/13, to Commerce, Small Business and Consumer Affairs)

HB 497, allowing towns and school districts to use the official ballot for any issue before the voters. (Domaingue, Hills/44; D. Young, Ches/2; Domini, Sull/6; Roberge, Dist/9, to Constitutional and Statutory Revision)

HB 498, relative to the committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties. (Weyler, Rock/18, to Municipal and County Government)

HB 499, changing a reference to a veterans organization and the qualifications for veterans' property tax credits. (Weyler, Rock/18, to Municipal and County Government)

HB 500, relative to the obligations of lessees of publicly owned property for the payment of property taxes. (Weyler, Rock/18, to Municipal and County Government)

HB 501-FN-L, relative to the distribution of funds made available to municipalities for capital improvements. (Wasson, Straf/10, to Executive Departments and Administration)

HB 502, relative to public trust water rights in New Hampshire. (Conroy, Rock/13; Leonard Smith, Hills/25; Russman, Dist/19; W. King, Dist/2, to Resources, Recreation and Development)

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users. (Conroy, Rock/13; Leonard Smith, Hills/25; Russman, Dist/19; W. King, Dist/2, to Resources, Recreation and Development)

HB 504, relative to organ transplants. (Copenhaver, Graf/10; Boucher, Rock/29; D. Hall, Merr/10, to Labor, Industrial and Rehabilitative Services)

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities. (Lozeau, Hills/30, to Corrections and Criminal Justice)

HB 506, relative to certain uses of an artificial light to locate animals. (Woods, Rock/25; Klemarczyk, Rock/20, to Wildlife and Marine Resources)

HB 507-L, requiring a super majority vote in certain matters of spending and taxation. (Wright, Hills/22; A. Smith, Rock/26; Dow, Graf/7; F. Riley, Hills/44; Carl Johnson, Belk/1; Wheeler, Dist/11, to Legislative Administration)

HB 508, permitting a dam to be constructed on Jenness pond in Northwood. (R. Johnson, Rock/1, to Resources, Recreation and Development)

HB 509-FN-L, requiring the public utilities commission to distribute the economic burden of Seabrook equally among New Hampshire Electric Cooperative's customers. (Leonard Smith, Hills/25; Boucher, Rock/29; Hollingworth, Dist/23, to Science, Technology and Energy)

HB 510, relative to certificate of election blanks and write-in votes, establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions, and repealing RSA 108-A. (Gilmore, Straf/11; Flanagan, Rock/14; Holden, Hills/14, to Constitutional and Statutory Revision)

HB 511, establishing a committee to study the cost effectiveness of family support services. (Simon, Rock/17; Senter, Rock/16, to Children, Youth and Juvenile Justice)

HB 512-FN-L, prohibiting building inspectors from issuing building permits for construction on property on which there is an outstanding property tax balance. (Simon, Rock/17; Rubin, Rock/25, to Municipal and County Government)

HB 513, establishing a uniform employment termination act. (M. Hawkinson, Coos/7; Mears, Coos/7; Wiswell, Coos/7; Mayhew, Coos/2; Lamirande, Dist/1, to Labor, Industrial and Rehabilitative Services)

HB 514, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees. (Gilmore, Straf/11; Flanagan, Rock/14, to Constitutional and Statutory Revision)

HB 515-FN-A, requiring the department of transportation to install a barrier separating the north and southbound lanes of U.S. Route I-93 in Franconia Notch and making an appropriation therefor. (McIlwaine, Graf/3; P. Bradley, Coos/6; M. Hawkinson, Coos/7; Ham, Graf/4; Coulombe, Coos/7; W. King, Dist/2; Lamirande, Dist/1, to Public Works)

HB 516, eliminating the duty of a public employee labor organization to engage in collective bargaining on behalf of employees who elect not to join the organization. (Daniels, Hills/13; Jasper, Hills/23; Barnes, Dist/17, to Labor, Industrial and Rehabilitative Services)

HB 517-FN, to establish a statewide bingo game. (Fenton, Hills/24; N. Young, Belk/7; Calawa, Hills/17, to Regulated Revenues)

HB 518, relative to automobile insurance premium rates. (Soldati, Merr/21; Barnes, Dist/17; Hollingworth, Dist/23; Shaheen, Dist/21, to Commerce, Small Business and Consumer Affairs)

HB 519-FN, making technical changes in the mental health laws and relative to persons providing active care services. (Dunn, Merr/24; LaMott, Graf/5, to Executive Departments and Administration)

HB 520, eliminating straight ticket voting on the ballot. (Trombly, Merr/4; Gilbreth, Merr/13; Newland, Merr/15, to Constitutional and Statutory Revision)

HB 521, relative to maternity benefits. (Braiterman, Merr/3; Fuller Clark, Rock/31, to Commerce, Small Business and Consumer Affairs)

HB 522, relative to the observance of Memorial Day. (Ritzo, Rock/24; Klemarczyk, Rock/20, to Public Protection and Veterans Affairs)

HB 523, requiring emblems to assist firefighters to be placed on certain buildings. (Smart, Hills/29; Morrissette, Hills/32; R. Soucy, Hills/31; Lefebvre, Hills/31, to Public Protection and Veterans Affairs)

HB 524, relative to the caller ID block service. (Newman, Rock/4, to Science, Technology and Energy)

HB 525, relative to city budgets for school districts. (Snyder, Straf/14, to Municipal and County Government)

HB 526, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists. (Lozeau, Hills/30; Baldizar, Dist/12, to Commerce, Small Business and Consumer Affairs)

HB 527, relative to limiting the taking of deer in Rockingham county. (Crossman, Rock/32; Christie, Rock/22, to Wildlife and Marine Resources)

HB 528, relative to the payment of taxes by electronic funds transfer. (D. Sytek, Rock/26; Cowenhoven, Hills/14, to Ways and Means)

HB 529, requiring certain billing procedures for custodial fees on IRA accounts. (L. Bergeron, Hills/32; W. McCann, Straf/11; Syracusa, Rock/33; D. Cote, Hills/29, to Commerce, Small Business and Consumer Affairs)

HB 530, relative to announcing the results of ballot questions and elections in cooperative school districts. (Fenton, Hills/24, to Constitutional and Statutory Revision)

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. (Fenton, Hills/24; Domaingue, Hills/44, to Constitutional and Statutory Revision)

HB 532-FN-L, to redistribute foundation aid funds. (Hunt, Ches/10, to Education)

HB 533, enabling municipalities to bill owners of tax exempt property for services provided. (K. Rogers, Merr/22, to Municipal and County Government)

HB 534, enabling municipalities to establish special tax districts. (K. Rogers, Merr/22, to Municipal and County Government)

HB 535, relative to the municipal optional fiscal year. (K. Rogers, Merr/22, to Municipal and County Government)

HB 536, expanding user fee opportunities in cities and towns. (K. Rogers, Merr/22, to Municipal and County Government)

HB 537, requiring certain persons convicted of sexual offenses as a condition of parole to register as sex offenders. (Knowles, Straf/11; Gilmore, Straf/11; Kincaid, Straf/13; Baldizar, Dist/12, to Corrections and Criminal Justice)

HB 538, decreasing the time within which wildlife may be taken. (Christie, Rock/22; Schanda, Rock/19, to Wildlife and Marine Resources)

HB 539-L, relative to certain actions not constituting an activity subject to subdivision regulations. (Allen, Hills/1, to Municipal and County Government)

HB 540, making application of the current use laws a local option. (Shaw, Merr/12, to Environment and Agriculture)

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections. (Philbrook, Hills/30; Keans, Straf/16; Gilmore, Straf/11, to Constitutional and Statutory Revision)

HB 542, restricting the interest rate which may be charged on loans, including business and consumer credit loans. (N. Young, Belk/7, to Commerce, Small Business and Consumer Affairs)

HB 543, allowing municipalities to combine the offices of tax collector and treasurer. (K. Rogers, Merr/22, to Municipal and County Government)

HB 544, relative to telephone solicitation. (Soldati, Merr/21; Kurk, Hills/5, to Commerce, Small Business and Consumer Affairs)

HB 545, authorizing the state to enforce domestic violence protective orders issued in other states. (D. Sytek, Rock/26; Carl Johnson, Belk/1; J. Bradley, Carr/8, to Judiciary)

HB 546, relative to general contractors bidding for construction work. (J. Ward, Merr/12, to Commerce, Small Business and Consumer Affairs)

HB 547, to exempt the real and personal property of societies of Freemasons from taxation. (Miller, Rock/13; Dowd, Rock/13; P. Katsakiores, Rock/13, to Municipal and County Government)

HB 548, providing staggered terms for county commissioners in Carroll county. (Dickinson, Carr/2; G. Chandler, Carr/1; R. Foster, Carr/10; Lyman, Carr/5; G. Wiggin, Carr/6; Cogswell, Carr/5; MacDonald, Dist/3, to Municipal and County Government)

HB 549, authorizing the executive committee of the county convention to suspend county commissioners. (Rosencrantz, Rock/20, to Municipal and County Government)

HB 550, extending time limits within which condominium projects can be completed. (Gargiulo, Rock/25, to Commerce, Small Business and Consumer Affairs)

HB 551-L, requiring voter approval for the issuance of all bonds in cities and town council government towns. (Hemon, Straf/11, to Municipal and County Government)

CACR 1, relating to establishing a constitutional revenue stabilization fund. Providing that ten percent of all undesignated general fund revenues shall be deposited into a revenue stabilization fund, which may be withdrawn by the legislature, subject to certain conditions. (R. Campbell, Belk/4, to Constitutional and Statutory Revision)

CACR 2, relating to expanding the purpose and scope of the highway fund. Providing that highway fund moneys may be appropriated for public transportation. (Senter, Rock/16; J. Flanders, Rock/18; Klemarczyk, Rock/20; Russman, Dist/19; Cohen, Dist/24, to Public Works)

CACR 3, relating to mandated programs. Providing that "the state" shall include the state legislature or any state regulatory agency. (D. Young, Ches/2, to Constitutional and Statutory Revision)

CACR 4, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (Burling, Sull/1, to Constitutional and Statutory Revision)

CACR 5, relating To: the election of judges. Providing that judges be elected for specified terms. (Hemon, Straf/11, to Constitutional and Statutory Revision)

CACR 6, relating to term limits for state and county offices. Providing that no person shall hold state or county offices for more than 6 terms or 12 years. (D. Hall, Merr/10; Gilmore, Straf/11; Barberia, Merr/9; Domaingue, Hills/44; Hunt, Ches/10; Welch, Rock/18; Barnes, Dist/17, to Constitutional and Statutory Revision)

CACR 7, relating to establishing a statewide referendum procedure for the repeal of state statutes. Providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. (Gorman, Rock/8; Warburton, Rock/12; Rothhaus, Hills/18; Borsa, Hills/24, to Constitutional and Statutory Revision)

CACR 8, relating to broad base, sales and income taxes. Providing that there shall be no broad base, sales or income taxes in the state of New Hampshire, or increases in any such tax upon their passage, without the approval of 2/3 of the voters present and voting in a popular referendum. Upon the passage of any such tax or taxes, real property taxes shall be reduced by 2/3 accordingly and permanently. (Domaingue, Hills/44, to Constitutional and Statutory Revision)

CACR 9, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years. (Teague, Merr/20; C. Brown, Graf/14; Weeks, Merr/24; Guest, Graf/10; A. Merrill, Straf/8; Fraser, Dist/4, to Constitutional and Statutory Revision)

CACR 10, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Rice, Belk/7; Bartlett, Belk/6; Holbrook, Belk/7; Lawton, Belk/1; T. Cain, Belk/3, to Constitutional and Statutory Revision)

HCR 1, relative to a universal health care program in New Hampshire. (K. Wheeler, Straf/8; Amidon, Hills/9; Fuller Clark, Rock/31; Fillion, Merr/17; McIlwaine, Graf/3; French, Merr/3; Shaheen, Dist/21, to Health, Human Services and Elderly Affairs)

HCR 2, calling for a federal constitutional convention to propose an amendment to the United States Constitution to abolish the electoral college. (Salatiello, Belk/2, to State-Federal Relations)

HCR 3, encouraging the integration of United States military history into the school curriculum and directing that November 1993 be designated as "Armed Forces History Month." (Fenton, Hills/24; Drake, Rock/24; Lachut, Hills/2; Rodeschin, Sull/4; Welch, Rock/18, to Education)

HCR 4, urging Congress to enact legislation that allows citizens of the United States of America to designate a portion of their federal income taxes to be used solely for federal debt reduction. (Daniels, Hills/13; F. Riley, Hills/44; Barberia, Merr/9; Colantuono, Dist/14, to State-Federal Relations)

HCR 5 urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears. (Hutchinson, Rock/29, to State-Federal Relations)

HCR 6, relative to an abortion policy. (Hemon, Straf/11, to Judiciary)

HCR 7, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. (D. Young, Ches/2, to State-Federal Relations)

HCR 8, encouraging Congress to increase the reimbursement rate to municipalities for government-owned land which could be in current use if privately owned. (Scanlan, Graf/11; B. Arnold, Hills/37; Dickinson, Carr/2; Hanselman, Hills/21; Golden, Belk/5; Russman, Dist/19; Colantuono, Dist/14; W. King, Dist/2, to Environment and Agriculture)

HCR 9, relative to population policy and environmental preservation. (Gilmore, Straf/11; Fuller Clark, Rock/31; K. Wheeler, Straf/8; McIlwaine, Graf/3; Guest, Graf/10; Currier, Dist/7; Shaheen, Dist/21, to State-Federal Relations)

HCR 10, encouraging Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to commercial banks and to repeal those laws and regulations. (B. Packard, Hills/19; Fraser, Dist/4, to Commerce, Small Business and Consumer Affairs)

HCR 11, relative to the Portsmouth Naval Shipyard. (Woods, Rock/25; Pantelakos, Rock/30; Drake, Rock/24; D. Richards, Rock/23; Caswell, Rock/19; Barnes, Dist/17; Hollingworth, Dist/23; Shaheen, Dist/21; Cohen, Dist/24; Lovejoy, Dist/6, to State-Federal Relations)

HCR 12, calling for the repeal of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court. (M. Hill, Merr/16; Boucher, Rock/29; Dickinson, Carr/2; Gross, Merr/18; Trombly, Merr/4; B. Gage, Rock/26; Disnard, Dist/8; Delahunty, Dist./22, to State-Federal Relations)

HJR 1, supporting the improvement of primary health care delivery. (Amidon, Hills/9; I. Pratt, Ches/5; R. Foster, Carr/10; Ziegra, Belk/5; K. Wheeler, Straf/8; McLane, Dist/15, to Health, Human Services and Elderly Affairs)

HR 11, encouraging an expenditure by the house of representatives to allow the house to participate in a current use survey conducted by the university of New Hampshire. (Scanlan, Graf/11; B. Arnold, Hills/37; Golden, Belk/5; Dickinson, Carr/2; Hanselman, Hills/21, to Environment and Agriculture)

HBI 1, relating to wiretapping and eavesdropping. (R. Campbell, Belk/4, to Judiciary)

HBI 2, examining the practice of selling food and beverages to small grocery stores at the wholesale level. (Salatiello, Belk/2, to Commerce, Small Business and Consumer Affairs)

HBI 3, volunteer firefighters and job protection. (Salatiello, Belk/2, to Labor, Industrial and Rehabilitative Services)

HBI 4, gas pricing in different localities. (Salatiello, Belk/2, to Commerce, Small Business and Consumer Affairs)

HBI 5, the reduction, elimination and substitution of toxic substances. (Loder, Straf/8; A. Merrill, Straf/8; Fuller Clark, Rock/31; J. Bradley, Carr/8; McGovern, Rock/35, to Environment and Agriculture)

VACATES

Rep. Lown moved that the House vacate the reference of **HB 166**, relative to felons who own or possess dangerous weapons, to the Committee on Judiciary.

Adopted and referred to the Committee on Corrections and Criminal Justice.

Rep. Lown moved that the House vacate the reference of **HB 215-FN**, relative to extradition, to the Committee on Judiciary.

Adopted and referred to the Committee on Corrections and Criminal Justice.

Rep. George Katsakiores moved that the House vacate the reference of **HB 123**, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values, to the Committee on Transportation.

Adopted and referred to the Committee on Science, Technology and Energy.

PROPOSED SCHEDULE

Rep. Michael Hill explained the proposed 1993 Session schedule.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 7, 1993 at 11:00 a.m.

Adopted.

UNANIMOUS CONSENT

Rep. Gross addressed the House.

Reps. Skinner and Buckley moved that the remarks by Rep. Gross be printed in the Journal.

Adopted.

Rep. Gross: Until the second half of the twentieth century, to be diagnosed as having cancer was almost always a death sentence. The feelings of fear and terror that cancer involves are with us still. There are members of this House whom I know about who have dealt with cancer. There are probably some of you whom I don't know about that are dealing with it now. While we know more about cancer than we used to, we still don't understand it that well. We do know that about one out of nine women will develop breast cancer, although we don't know why. We know that most men who live long enough will have trouble with prostate (cancer) but we don't know why.

The difference in the second half of the twentieth century is that we are not powerless anymore to deal with this. Surgery, which was never a safe option until recent years, is available. Radiation, chemotherapy and the ability to treat cancer seems to be evolving in five-to-ten-year cycles as they become more able to deal with a specific treatment for a specific kind of cancer.

This is the second time that I have had a problem. There is cancer in my family and for the last 15 years I have been tested every six months. Right now, I am receiving "state-of-the-art-plus" treatment in two states that is designed specifically for me. Although I am a bit frail right now, everything you see at this moment is a side effect of an individually designed radiation treatment and eventually it is all going to go away.

The first time around you are terrified because the side effects can be very frightening. This time I find them annoying. This time, I bless whoever invented makeup for women. This time, there is no terror; there is annoyance only. I want you to know that I expect to feel no worse during this session. I want you to know that I am going to be here because this is what I want to do with my life. I also want to say to you all from the bottom of my heart, thank you. You have no idea what a difference you have made to me already. You have no idea. I don't know anybody else in the whole world who has a 400- member support group, but I have one. God bless you and thank you.

Rep. Gorman addressed the House.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 3:14 p.m.

RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 3

Thursday, January 7, 1993

The House assembled at 11:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Open our hearts and awaken our minds, O God, to the full glory of Your life in our midst. Trusting in Your presence may our frustrations be transformed into creative energy for the sake of the common good. And we pray, too, that you shall lavish upon Governor-elect Steve Merrill Your counsel and wisdom, that through his service we might glimpse Your truth and Your purpose. Amen.

Rep. Pageotte led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Larochelle, Franklin Torr, Malcolm, Carter, Lynch and Douglas Hall, the day, illness.

Reps. Terninko, St. Martin, Joyce Johnson, Scanlan, Flanagan, McGrath, Hart, Musler, Dowling, Moncrief, Cepaitis and Mark Holt, the day, important business.

Rep. O'Keefe, the day, death in the family.

Reps. Ann Torr, Franks, Patricia Cote, Charles Cote and Asselin, the day, illness in the family.

INTRODUCTION OF GUESTS

M. Therese Wasson, wife of Rep. Wasson. Melanie Hill and Marilyn Davis, guests of Rep. Senter. William Arnold, guest of Rep. Arnold. David Flanders and Don Phillips, son and guest of Rep. John Flanders. Dr. Steve Erlick, guest of Rep. Desrosiers. Jeannete and Pastor Paul Bertolino, guests of Rep. Carl Johnson. Kathleen Peterson, Leanne Scire, Jessica Browning, Kimberly Kypreotis, Jennifer Scott and Beth Greenwood, guests of Rep. Searles.

VACATE

Rep. Robert Foster moved that the House vacate the reference of **HB 131**, repealing a penalty provision regarding anabolic steroids, to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to the Committee on Corrections and Criminal Justice.

RESOLUTION

Reps. Michael Hill and Trombly offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, and the Inauguration of the Governor, the Honorable Stephen E. Merrill and the taking of the oath by the Executive Council.

Adopted.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 552 through 573, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

HB 552, prohibiting insurance companies from refusing to insure pre-existing conditions. (K. Wheeler, Straf/8; Braiterman, Merr/3; Fillion, Merr/17; Fuller Clark, Rock/31; Allen, Hills/1; Shaheen, Dist/21; Cohen, Dist/24; McLane, Dist/15; Hollingworth, Dist/23, to Commerce, Small Business and Consumer Affairs)

HB 553, establishing a committee to study alternative sentencing. (Cole, Ches/11; Record, Hills/27; Podles, Dist/16; Shaheen, Dist/21, to Corrections and Criminal Justice)

HB 554, reducing the number of public employees required to certify a bargaining unit. (Smart, Hills/29; Morrisette, Hills/32; R. Soucy, Hills/31; D. Cote, Hills/29; Lefebvre, Hills/31, to Labor, Industrial and Rehabilitative Services)

HB 555, relative to freshness dating on sandwiches. (Hunt, Ches/10, to Environment and Agriculture)

HB 556-FN-A, offering a reward for the apprehension of former Newport district court judge, John C. Fairbanks, and making an appropriation therefor. (Burling, Sull/1; Stamatakis, Sull/5, to Judiciary)

HB 557-FN-A, requiring the appropriation of funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state's defense. (Burling, Sull/1; Allison, Sull/10; J. Kane, Sull/11; Palmer, Sull/11; Cloutier, Sull/8; Disnard, Dist/8, to Judiciary)

HB 558, requiring the board of education to submit its proposed rules to the standing legislative education committees for approval or objections. (W. Riley, Ches/7; D. Hall, Merr/10; P. Brown, Graf/11; Guest, Graf/10; Hollingworth, Dist/23; Disnard, Dist/8; McLane, Dist/15; Cohen, Dist/24, to Education)

HB 559, relative to acquiring property by eminent domain and allowing a customer to terminate water service from a water utility and to drill a well. (Leonard Smith, Hills/25; Boucher, Rock/29; Fenton, Hills/24; Calawa, Hills/17; Dickinson, Carr/2; Barnes, Dist/17, to Resources, Recreation and Development)

HB 560, changing procedures regarding appointment of guardians of minors. (Burling, Sull/1, to Judiciary)

HB 561, requiring that certain rules adopted by the board of education be approved by the education committees of the senate and the house. (Larson, Graf/8; Hollingworth, Dist/23; J. King, Dist/18; Disnard, Dist/8, to Education)

HB 562, relative to meetings regarding security issues in correctional facilities. (Record, Hills/27; Mercer, Hills/27, to Judiciary)

HB 563, relative to the authority of creditors to file writs of execution against personal property. (Klemarczyk, Rock/20, to Judiciary)

HB 564-FN-A, lowering the cigarette tax to \$0.21. (Simon, Rock/17; Rubin, Rock/25, to Ways and Means)

HB 565, prohibiting hazing. (K. Wheeler, Straf/8; Lynch, Ches/19; Copenhaver, Graf/10; Dow, Graf/7; Shaheen, Dist/21, to Corrections and Criminal Justice)

HB 566, relative to towing motor vehicles from commercial parking lots. (M. Holt, Hills/26, to Transportation)

HB 567-FN-A, requiring the office of state planning to conduct a satellite survey of clearcut areas and making an appropriation therefor. (Cogswell, Carr/5; Scanlan, Graf/11; Dickinson, Carr/2; Schotanus, Sull/3, to Resources, Recreation and Development)

HB 568-FN-L, eliminating the cap on state guaranteed debt issued by towns and cities to close landfills. (K. Rogers, Merr/22, to Municipal and County Government)

HB 569-FN-L, relative to flammability testing of seating furniture manufactured for public buildings. (Morrisette, Hills/32; R. Soucy, Hills/31; D. Cote, Hills/29; Lefebvre, Hills/31; Smart, Hills/29, to Public Protection and Veteran Affairs)

HB 570-FN-L, imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use. (Scanlan, Graf/11; B. Arnold, Hills/37; Golden, Belk/5; Colantuono, Dist/14; Russman, Dist/19; W. King, Dist/2, to Environment and Agriculture)

HB 571-FN, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading. (J. Bradley, Carr/8; A. Merrill, Straf/8; B. McCann, Hills/33; Russman, Dist/19, to Environment and Agriculture)

HB 572-FN-A, authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund and appointing special duty forest rangers, and making an appropriation therefor. (Schotanus, Sull/3; Dickinson, Carr/2; Martin, Hills/34; Scanlan, Graf/11; J. Chandler, Merr/1; Russman, Dist/19; W. King, Dist/2; Blaisdell, Dist/10, to Resources, Recreation and Development)

HB 573-FN, permitting, regulating and taxing video gambling machine use. (Hutchinson, Rock/29; Laughlin, Hills/41; Larochelle, Hills/41, to Regulated Revenues)

SENATE MESSAGE

The Honorable Senate is ready to meet in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Executive Council, the Inauguration of the Governor, the Honorable Stephen E. Merrill and the taking of the oath by the Executive Council.

JOINT CONVENTION

(Speaker Burns presiding)

INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following who were escorted to their seats by the Governor's Military Staff: Hon. Francis X. Belotti; Mr. Peter Berlandi; Mr. and Mrs. John Stabile; Commissioner Richard Flynn; Miss Pauline Greer; Mr. and Mrs. John Broderick; Mr. and Mrs. Robert Merrill and the family and friends of the Merrill and Walker families; Hon. Joseph DiClerico, Jr., Chief Justice, U.S. District Court; Associate District Court Justices and their escorts; Hon. John R. Maher, Administrative Judge of Probate Courts and Mrs. Maher; Hon. Edwin W. Kelly, Administrative Judge of District Courts and Mrs. Kelly; Hon. Joseph P. Nadeau, Chief Justice, Superior Court; The Associate Justices of the Superior Court; Hon. David Brock, Chief Justice, NH Supreme Court; The Associate Justices of the Supreme Court and their escorts; Mr. James Wen-Chung Chang, Director General for North American Affairs; former Governor Hugh Gregg and Mrs. Gregg; former Governor Lane Dwinnell and Mrs. Dwinnell; former Governor Walter Peterson and Mrs. Peterson; former Governor Meldrim Thomson, Jr., and Mrs. Thomson; former Governor John Sununu and Mrs. Sununu; U.S. Senator Judd Gregg and Mrs. Gregg; Mrs. William Zelif, wife of Congressman William Zelif; Mrs. Richard Lantos-Swett, wife of Congressman Richard Swett; former Congressman Charles Douglas and Mrs. Douglas; former Congressman Norman D'Amours and Mrs. D'Amours; former Congressman James Cleveland and Mrs. Cleveland; outgoing Executive Councilor Peter Spaulding and Mrs. Spaulding; guests of the Councilors-elect; Eleanor Burns, wife of the House Speaker; Susan Hough, wife of the Senate President; Jeffrey Howard, Attorney General, and Mrs. Howard; State Treasurer, Georgie A. Thomas and Mr. Thomas; William M. Gardner, Secretary of State; the House Leadership; the Reverend Clergy; the Honorable Senate; the Senate President, Ralph Degnan Hough; the Council-elect; Hon. Stephen E. Merrill and Mrs. Merrill.

REPORT

Sens. Blaisdell and Podles and Reps. Healy, Leclerc and Boucher offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Executive Council, reports that it has attended to its duties, and the vote is correct.

The New Hampshire National Guard posted the Colors; the National Anthem was sung by Lindsay Basoukas of Manchester.

Invocation offered by Rabbi Richard Polirer from Temple Israel in Manchester.

Heavenly Father, Almighty God, we come before You this day to witness the orderly process of democracy, the passage of leadership from one administration to the next. The inauguration of the Governor of the State of New Hampshire, Stephen Merrill. It is the ultimate test of our system and with Your Grace it moves forward with fortitude, with rectitude. At this moment of our human achievement, let us turn to You for divine guidance. May You stand by us, bring us inspiration in times of doubt, strength in moments of crisis and fulfillment in moments of joy. As we come to this hour, we pray that You always keep our priorities straight, our motives pure and our actions righteous and above reproach. Guide our Governor and our leaders in Your service and spirit always. Give them good and discerning hearts so that they may always find favor both in the eyes of God and the eyes of humankind. Amen.

OATH OF OFFICE

Chief Justice David Brock administered the oath of office to Governor-elect Stephen E. Merrill and presented him with a copy of the New Hampshire Constitution.

A prayer for peace and thanksgiving was offered by Bishop Leo O'Neil of the Roman Catholic Diocese of Manchester.

Gracious God we thank You for a beautiful day, for a new year, a new beginning for our country and our men and women in service not engaged in military conflict but in compassionate humanitarian effort to starving and almost hopeless people. But above all, we gather here today to give You thanks for words pledged and covenanted for this man, Stephen Merrill, who binds himself in service to the people of our state and in his voice echo the pledge of all the men and women who make, judge and execute our laws. We stand awed by the gift of words, the fragile and transitory means by which we communicate the depths of our feeling, of our hopes and aspirations. Yet they are fragile, but they are ringed with enduring promise and eternal loyalty. You often spoke Your word to us. Our Governor has put his hand on Your word. Give Your servant Stephen the gift of listening so that his words might speak our concerns and our spirits might exult in Your truths. Bless his wife with courage so that she might know the words to heal, comfort and strengthen him. Guide us in serene paths so that our debate is tempered with compassion, our conviction is measured by understanding and we are bound unflinchingly to the word we pledge here today to You and to one another. Amen.

OATH OF OFFICE

Governor Merrill administered the oath of office to the Honorable Councilors-elect, Raymond Burton, Robert Hayes, Ruth Griffin, Earl Rinker and Bernard Streeter.

Pam Butterick led the singing of the "Battle Hymn of the Republic."

INAUGURAL ADDRESS

The Governor delivered his Inaugural Address as follows:

Mr. President, Mr. Speaker, members of the General Court, distinguished guests and my fellow citizens:

I come here today to humbly accept the challenge and the privilege to serve as the Governor of our sovereign State of New Hampshire.

I do so with the full recognition that the road that lies before us will not be an easy one. And yet I assure you it is a road worth traveling together. I am proud that my brother Robert and his wife are here. I thank all of you who made it possible for Heather and I to be here.

The Office of Governor is the second constitutional office I have been honored to hold for the citizens of this State. The first was that of Attorney General, a position I continue to hold dear to my heart, as I hold all law enforcement.

I was proud to be unanimously confirmed as Attorney General by New Hampshire's Executive Council on two occasions. Now, I will be equally proud to serve with that Council and join in their dedication to this State.

My tenure as Attorney General was directed by the New Hampshire Constitution, a document written by men of good will seated in drafty rooms, badly lit by whale oil lamps more than 200 years ago. That same document empowers me today to assume the position as Chief Executive of this State.

Our State Constitution was actually drafted by our forbearers before there was a Constitution of the United States; in fact, before there was a United State of America. Our New Hampshire Constitution clearly sets forth: All government originates from the people, is founded upon the consent of the people, and should be instituted for their general good.

Those ideals should still govern our actions today.

This is the oldest State Capitol building in the United States still serving as a legislative chamber. This hall has seen great debates such as the debate over slavery and the discussion that surrounded New Hampshire's entrance into the Civil War when this State sent its young men to fight and die on far-away battlefields in a war that remains one of the bloodiest conflicts in world history. The "Battle Hymn of the Republic" was prominent in that conflict.

In this century, this hall has seen the debate over women's right to vote, and since that time this Legislature has passed additional laws to assure women their full participation and partnership in our State and in our society. I want you to know I understand and respect that progress and intend to continue it during my Administration.

The men and women who have served here over the years consistently exalted people and service to others above self-interest. They have, through the course of time, laid that burden down. It is our solemn responsibility today to pick up that burden and to shoulder it together on behalf of the people of the State of New Hampshire.

At this solemn hour, throughout this State, men, women and young people are watching and listening upon this inaugural occasion. But they are also waiting, waiting to see if in the months ahead we will provide them with laws, regulations and policies to bring about a proper administration of government, as they would do if they were here; or, whether having accepted this responsibility today, we will decide that we alone possess the wisdom to chart our State's future and that we can do it best without them. That would be a mistake. Such a course would ignore Thomas Jefferson's principle that government that governs least governs best. Such a course would also reject the principle that individual initiative and freedom, rather than government intervention, should be the basis for achievement in our State.

Government cannot be above the people. It is the people and it must reflect their will first and foremost. I will fight any movement to place government bureaucracy above the people, and so should you.

Citizens in recent years, and particularly in the most recent election, have exhibited a growing sense of concern about the course of their government. They now question long-standing political doctrines and even the function of government itself. They are not afraid to ask: How did my elected officials act in times of plenty? Did they grow government in all directions because there was money to do so; or did they attempt to hold down spending in order to prepare for the next recessionary period so government would be able to help those who are truly in need?

You and I must also be prepared to answer a second question: How are my elected officials conducting themselves today to restore our State to a time of plenty? Some politicians in our State continue to argue that if we could only prime the economic pump with higher taxes, we would produce government programs, stimulate job growth and somehow lower our overall tax burden.

Such a philosophy is short-sighted and, in fact, without historical basis. Time after time in America, politicians have asked for more money to generate more programs to bring about improved government services and a lower tax burden. Instead, just the opposite has too often proven to be true. Is it any wonder that many of our citizens have become cynical about the political process?

I say to you beware of politicians who wish to tax you on particulars but can only deliver results in generalities.

We must never forget that our tax structure, our rules and regulations have a direct effect upon the ability of business to operate here and to thrive here. Government cannot be permitted to grow greater than the consent of the governed to have it grow.

That is why we must keep the expansion of jobs and not bigger government constantly in the forefront of our deliberations. We must find ways that government can assist the expansion of the private sector and its employment markets and encourage the hiring of the men and women of New Hampshire who have made our State's work force the envy of other states.

However, government must assist the job market rather than create one; or as one scholar of government has stated regarding the direction of the ship of state: Government should learn to steer rather than to row. Let me put it another way. Government should get out of the way rather than get in the way.

That does not mean that government should shrink from the obligations to our citizens. For example, health care and workers' compensation both intertwine our medical profession and our business community. Quality health care coverage for our citizens and fair compensation for those who have suffered a work-related injury must be assured in our discussions and deliberations. But agreeing on the goal is only the first step.

Our current health care system and our current workers' compensation system both act as a disincentive to business and we must control costs as well as monitor the effectiveness of both of these systems as vigorously and as quickly as possible. The workers' compensation pilot program for true managed care is clearly the way we should go. When managed care and point-of-service health costs are debated throughout this country and plans are chosen for the various states, I am confident that the leadership in our Department of Health and Human Services will have us in the forefront of those movements.

I believe that the man or woman who earns money in our State should be considered in deciding how that money is spent. Federal mandates now force us to set our spending priorities in Washington rather than in the states. These mandates can put us in a budgetary straight jacket

that prevents us from devoting our resources to revitalizing our economy and funding the programs that the people of New Hampshire need. One of the reasons that Medicaid money flows into this State and others is that several years ago the bipartisan National Governors' Association went to Congress to explain that Medicaid was threatening to bankrupt the states. And yet the last Congress alone enacted more than 20 additional mandates for the states at a cost of more than \$15 billion during its last session.

I predict that over the next 10 years not only will the Federal government affect the states, but the states will begin to affect the Federal government and its actions. States will no longer be willing to accept federal initiatives they recognize as ill-conceived, under-funded and inconsistent with what citizens in our state believe government ought to be doing.

The people of New Hampshire recognize that the temptation to spend is greater than the desire to save and they expect us to prioritize our spending, to grow our Rainy Day fund with an eye toward the future and, as the economy improves, to lower the taxpayers' burden instead of developing a new spending agenda.

The people have spoken with a voice that cannot and should not be ignored. Citizens treat our promises as a contract, as a commitment to be kept and a battle to be waged.

And, in that battle, I want to assure the men and women of this State that I shall honor my commitment to the voters. There will be no broad-based sales tax and no broad-based income tax during my term as Governor.

The peoples' rejection of broad-based taxes is not a restraint on my activity as Governor. Rather, it is an advantage because it establishes a boundary within which all can act and move forward to solve the problems that lie before us.

In the last election, such diverse states as Florida, Missouri, North Dakota, South Dakota and Colorado, some liberal, some conservative, some Republican, some Democrat, all asked their citizens to endorse a small tax increase to be spent on the worthwhile purpose of education. Notwithstanding that worthy goal, you should be aware that the voters in each and every one of those states rejected that proposition. Why? Because citizens no longer believe those who say if you will simply give me more money over here, I will make things better over there. That simplistic notion is wrong and it is about time it is being rejected.

But New Hampshire has known that for years. And the people of New Hampshire and their elected representatives have conducted themselves accordingly and that is why if I could ask for only one thing during my term as Governor it would be this: Let New Hampshire stop apologizing for being right!

I will submit a budget and a financial plan to address the legitimate needs of our State. I will fund our priorities within the resources available without apology because I am proud that throughout this nation, New Hampshire is known as a leader in mental health, dealing with the developmentally disabled, the state of our general health, raising our teachers' salaries over the last 10 years, and our well-publicized scores on the nation's scholastic aptitude tests.

As we acknowledge the excellence of educators and dedicated state employees who have strived so hard and achieved so much, we also acknowledge that there is more to do.

New Hampshire should continue to be one of the leading states in this country in education. We have now established reasonable standards by which our public school system can operate, focusing on achievement, accountability, and assessment rather than merely on bricks and mortar. Now, we must take the necessary next step and implement a methodology for testing our students in various grades so we can demonstrate our excellence and identify areas of concern and deal with them. With the popularity of choice in education growing, our public schools must be equipped to compete effectively with our private school system. If our students are to have the best jobs tomorrow, they must have the best education today.

I have heard time and again that there is too much red tape in government, even at the State level; and our departments and agencies should respond to that concern, in part, by establishing a HOTLINE so private citizens can speak to a human being in State government who will provide answers to their concerns. I will implement that program in the new few weeks. Departments can and should respond to the legitimate requests of those they serve. At the same time, both the Governor and the Legislature should refrain from the desire to micro-manage State government agencies who often feel pulled between their own mission and the perceived mission of others.

Total Quality Management is important to the private sector and it should be employed in State government as well. Knowledgeable and experienced men and women from the private sector will be asked by me to participate in management training programs with those in positions of responsibility in State government. State government is currently staffed with managers who have risen through the ranks without any formal management training through no fault of their own. We require State employees to take defensive driving courses but do not require their managers to take management courses. That should change.

As your Governor, I will continue to insist that the choice between the environment or jobs is a false choice and one that New Hampshire can never accept. Environmental groups and business leaders need to agree that we all share the goals of a clean and healthy environment for ourselves and for our families. Government, environmental groups and business interests should form more partnerships. Voluntary programs can accomplish a great deal without laws and government bureaucracy.

Our tourism and recreation industry directly benefits from our environmental quality. I am proud of that industry and will find new ways to showcase our beautiful State. In this regard, I will create a recognition program for environmental and other success stories. The program will be called "The Governor's Environmental Excellence Award" and it will recognize voluntary and innovative approaches to improve and maintain our quality of life here in New Hampshire.

I believe this State is entering a period of slow but sustained economic growth, a period that will give us the opportunity to redefine our budgetary and governmental priorities. Before our economy rises to its full economic potential, now is the time to make organizational changes and regulatory reform. For example, I will call for significant changes in the creation and the implementation of administrative rules which so often cause our departments to waste considerable time and energy in a mind-numbing process that must be streamlined.

Cautious economic optimism should encourage the private sector to expand manufacturing and retail jobs and it should call upon us in the public sector to focus on what New Hampshire government should look like in the 1990s and beyond. Merely expanding upon the bigger government of the 1980s is not the answer. The future calls for more efficient and effective government which should take its lead from the private sector rather than paternistically directing it.

Nothing will help this State return to economic vibrancy more than the ability of small businesses to borrow money at reasonable rates with reasonable regulatory restrictions. Washington politicians have reacted to the national failure of lending institutions by passing laws which seem designed to protect bureaucratic reputations more than to stimulate the growth of jobs in the states they regulate.

Regulatory overkill and mountainous paperwork are costing New Hampshire jobs and slowing New Hampshire's economic recovery. It is sad that it is no easier to receive a \$50,000 business loan in New Hampshire today than it is to receive a \$500,000 business loan. I expect our banks to effectively conduct business in New Hampshire and I will oppose legislation that adds additional regulatory burden to our State's banks not related to safety or soundness or consumer protection. Whether we like it or not, the banking business involves risk and judgment, and New Hampshire banks should be given the opportunity to restore character lending. It is wrong to attempt to replace banking judgment with government ratios and formula loans. In my opinion, every bank loan is ultimately a character loan. Simple changes in banking can easily produce a five percent increase in commercial lending in our State. That will equal \$507 million of additional lending pumped into the businesses of New Hampshire and into the economy of New Hampshire. A 10 percent increase in lending will produce \$1 billion more into the hands of the men and women who want to hire the men and women now waiting for jobs, waiting to be enrolled in health-care programs, waiting to save for New Hampshire's future. New Hampshire can wait no longer. The time has come for that reform.

Since some of these reforms can only be made at the national level, this Republican Governor will take an unusual step of attending the inaugural of the newly-elected Democratic President later this month in Washington. I do so for the opportunity to meet with the President at private Presidential gatherings held for Governors. Since the new President has promised to curtail Federal mandates and to create "a new reality and partnership with state and local government," I will use that opportunity to fight for the Portsmouth Naval Shipyard and for immediate changes in the FDIC Improvement Act to get money into the hands of those who need it in New Hampshire.

Upon my return I will, consistent with a campaign pledge, hold the first of a series of Small Business Roundtable meetings with men and women engaged in business throughout our State. That first meeting will be held in Plymouth on the campus of Plymouth State College. Thereafter, on a regular basis I will hold a series of meetings around New Hampshire with business leaders and interested citizens to listen and to learn how our state government can be more responsive to them. Officials from our departments will often accompany me to these roundtable meetings to learn from business how their agencies are affecting the private sector. I intend to appoint a small-business advocate in my office to receive that information, to share it with the Executive Council and to help State government act on it. If this economy is to improve, it must do so with the full participation and cooperation of our business community.

In conclusion, it is important that we recognize that New Hampshire is not a wonderful State because great and powerful people have chosen to live here. It is a wonderful State because it gives the opportunity for common people to do great and wonderful things.

For this is a State where a young man from Hampton, New Hampshire — neither of his parents went to college — can grow up to become the Governor of New Hampshire — the first Governor in the history of this State ever to graduate from the University of New Hampshire.

It is a State where the new Governor's best friend, from a different political party, can put the State's interest above self-interest and say, "I do not want you to run, but if it is in your heart to run, then you must."

It is a State where a young woman, my wife Heather, can make a promise to her husband and then keep it. That promise was to campaign nights and holidays and weekends, week after week and month after month, while expecting a baby and working a full-time job. And for that she has my enormous gratitude.

And finally, a word about one who is not here today, but who has more to do with me standing at this podium than anyone else. In my final years of high school, my mother went to work early in the morning while it was still dark, but she didn't tell me why. Shortly before I entered the University in 1965, she came to me with a thousand dollars that she had saved from working those many hours. No one hearing that story has to ask why I worked so hard to put myself through the University of New Hampshire.

And years later, in some small way, I was able to return the favor. For when my mother, who was one of my dearest friends, became gravely ill, she asked if she could live out her final days with me in my home. And of all the honors I have been given, or will ever be given, none will be greater than the privilege to grant my mother's last wish.

But time passes on, and today when I eventually leave this building, I will travel to her grave in Hampton, not merely to say thank you but for another reason. You see, my mother never wanted me to go into politics; and so, I think you will agree, I've got a lot of explaining to do.

And so, Heather and I ask for your prayers. The road that lies before us is clear. The people have given us a clear direction for the future. With God's help, you and I will reach that goal. Thank you very much.

Prayer for a successful administration was offered by The Reverend David Robinson, Rector of Grace Episcopal Church in Manchester.

O Lord our Governor, whose glory is in all the world, we commend this nation and this state to Your merciful care; that being guided by Your Providence, we may dwell secure in Your peace. Grant to the President of the United States and the President-elect, to the Governor of this State, the members of the Executive Council, to the Legislators and Senators of this state, to judges and magistrates, and to all in authority, wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve the people who have entrusted them with authority in Your fear. We pray for Your wisdom in the writing of the laws and in their administration for the good of this state. Give Your special blessing and protection to Steve Merrill and his family. Give us all as a people a spirit of responsibility, industry and concern for our neighbors. In the ordering of the affairs of our common life, may faithful administration, wise laws, and good will protect the rights of all our people so that we may be enabled to fulfill your purposes for us in the world. Amen.

"The Parable of the Good Samaritan" was recited by Judy Elliott of Salisbury.

The Reverend Father James C. Christon, Pastor Emeritus Assumption Greek Orthodox Church in Manchester, offered the Benediction.

O Eternal God, as we stand before You on this beginning of a New Year in measured time and the commencement of a new administration for this sovereign State, let us approach the task ahead with some small measure of faith and hope and love in our hearts.

May each new day bring renewed zeal for those who in greater fullness of faith in selves and You serve our State. Let their ambitions wax stronger, their hopes burn brighter, their love for state and country be sincerely deeper.

Work in, with and through them in protecting, perfecting and perpetuating our freedoms. Let their expressions be lofty and genuine. May their endeavors be recognized in fruitful deeds accomplished. Keep them steadfast in all their deliberations for the continued welfare of our beloved State and its citizenry.

May our newly installed, inspired Governor and the dedicated Legislators with whom he shall work, bow their hearts and blend their wills to You the ultimate sovereign of us all; bring prosperity to us all and grant them and us grace to receive Your manifold blessings. To the everlasting honor of Your Holy Name and in lasting gratitude for all Your goodness, we humbly offer this prayer. Amen.

Rep. Michael Hill and Sen. Delahunty moved that the Joint Convention arise.
Adopted.

(Rep. Michael Hill in the Chair)

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair, with the next anticipated meeting to be Wednesday, January 27, 1993 at 1:00 p.m.

Adopted.

Rep. Jasper moved that the House stand in recess for the purpose of introduction of bills only.
Adopted.

The House recessed at 1:00 a.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 574 through 684, Constitutional Amendment Concurrent Resolutions numbered 11 and 12, House Concurrent Resolution number 13, and House Resolutions numbered 12 and 13, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs and HRs

First, second reading and referral

HB 574, relative to the certification of insurance agents and brokers. (Buco, Rock/26, to Commerce, Small Business and Consumer Affairs)

HB 575-FN, prohibiting bear dog training. (R. Foster, Carr/10; Drake, Rock/24; Cole, Ches/11; MacDonald, Dist/3, to Wildlife and Marine Resources)

HB 576-FN-A, relative to the taxation of meals. (W. McCann, Straf/11; Hollingworth, Dist/23; Podles, Dist/16, to Ways and Means)

HB 577, allowing municipalities to regulate activities on the ice on great ponds. (Burnham, Ches/8; Avery, Ches/8, to Resources, Recreation and Development)

HB 578, requiring grandparents who are petitioning for visitation with their grandchildren to pay only for their personal costs. (McGuirk, Ches/1, to Children, Youth and Juvenile Justice)

HB 579, relative to the right of police officers to recover for injuries caused by the wanton or willful conduct of others. (M. Hill, Merr/16; R. Hawkins, Belk/3, to Judiciary)

HB 580-FN-A, relative to the catastrophic illness program fund and making an appropriation therefor. (N. Young, Belk/7, to Appropriations)

HB 581, relative to the use of an altered form of identification to purchase alcoholic beverages. (N. Young, Belk/7; Salatiello, Belk/2, to Transportation)

HB 582, establishing a legislative oversight committee on the policies and procedures of the division for children and youth services. (N. Young, Belk/7; Fenton, Hills/24, to Children, Youth and Juvenile Justice)

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts. (Allen, Hills/1, to Executive Departments and Administration)

HB 584-FN-L, increasing the misdemeanor and felony penalty assessment and transferring such increase to municipalities. (K. Rogers, Merr/22, to Corrections and Criminal Justice)

HB 585-FN, requiring state agencies to purchase recycled materials. (McIlwaine, Graf/3; Burnham, Ches/8, to Executive Departments and Administration)

HB 586-FN, exempting certain OHRV's from registration fees. (Lefebvre, Hills/31; Smart, Hills/29, to Transportation)

HB 587-FN-A, extending the surcharge on the communications services tax. (D. Sytek, Rock/26; Cowenhoven, Hills/14, to Ways and Means)

HB 588-FN, reducing the tolls on the Everett turnpike in the town of Merrimack. (Greenberg, Hills/18, to Public Works)

HB 589-FN, requiring licensure of additional medical utilization review entities. (K. Wheeler, Straf/8; Merritt, Straf/8; Salatiello, Belk/2, to Health, Human Services and Elderly Affairs)

HB 590-FN-A, imposing a supplemental tobacco tax to fund health education for minors. (K. Foster, Ches/19; Haettenschwiller, Hills/29; D. Holt, Hills/35; French, Merr/3; Champagne, Ches/19; Hollingworth, Dist/23; McLane, Dist/15, to Ways and Means)

HB 591-FN-L, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card. (Dunn, Merr/24; McLane, Dist/15, to Municipal and County Government)

HB 592-FN-A, designating a percentage of the meals and rooms tax to fund the department of resources and economic development, division of economic development. (Larson, Graf/8; R. Hawkins, Belk/3; Hollingworth, Dist/23, to Ways and Means)

HB 593-FN-A, extending the surcharge on the meals and rooms tax. (D. Sytek, Rock/26; Cowenhoven, Hills/14, to Ways and Means)

HB 594, relative to medical and surgical benefits for group I and group II retired employees. (Gross, Merr/18; Trombly, Merr/4, to Executive Departments and Administration)

HB 595-FN, allowing HIV testing for AIDS of a perpetrator of certain crimes at the request of the victim. (Lozeau, Hills/30, to Health, Human Services and Elderly Affairs)

HB 596-FN, to provide rulemaking notice to municipalities and legislators. (M. Campbell, Rock/26, to Executive Departments and Administration)

HB 597-FN, exempting single family lots from the fee charged for septic system review. (M. Campbell, Rock/26, to Resources, Recreation and Development)

HB 598-FN, authorizing the medical examiner to release corneas in certain cases for use in corneal transplants. (Dunn, Merr/24; Currier, Dist/7, to Health, Human Services and Elderly Affairs)

HB 599-FN-L, allowing school districts to contract with selected secular schools for the education of the district's children, and granting school districts an option to implement an education voucher program. (Hunt, Ches/10, to Education)

HB 600-FN-L, relative to the filing requirements for candidates who seek nomination by nomination papers. (Hunt, Ches/10, to Constitutional and Statutory Revision)

HB 601-FN-A, exempting from the real estate transfer tax certain transfers between land trusts and housing cooperatives. (Soldati, Merr/21, to Ways and Means)

HB 602-FN, extending the length of time before a savings deposit may escheat to the state. (W. Riley, Ches/7, to Commerce, Small Business and Consumer Affairs)

HB 603-FN-L, relative to energy efficiency in state facilities. (A. Merrill, Straf/8; Gilmore, Straf/11; R. Wheeler, Hills/7; Fillion, Merr/17; McIlwaine, Graf/3; Shaheen, Dist/21; Hollingworth, Dist/23; Russman, Dist/19; Currier, Dist/7, to Executive Departments and Administration)

HB 604-FN, requiring that all fees set by statute be reviewed by the legislature on a 6-year basis to insure that such fees reflect only the direct and indirect costs of a program funded or function provided. (Teschner, Graf/5; B. Arnold, Hills/37; Soldati, Merr/21; Nichols, Merr/2; D. Sytek, Rock/26; Bourque, Dist/20; Barnes, Dist/17; McLane, Dist/15; Colantuono, Dist/14; Roberge, Dist/9, to Legislative Administration)

HB 605-FN-A-L, establishing a community bridge aid improvement program funded by revenues from road tolls. (Allard, Carr/2; Dickinson, Carr/2; G. Chandler, Carr/1; Schotanus, Sull/3; LaMott, Graf/5; D. Wheeler, Dist/11; MacDonald, Dist/3; Roberge, Dist/9; W. King, Dist/2, to Public Works)

HB 606-FN, establishing a managed care program for all employers who are in the workers' compensation assigned risk pool. (R. Hawkins, Belk/3, to Labor, Industrial and Rehabilitative Services)

HB 607-FN, relative to the plea-by-mail program. (Bartlett, Belk/6; Christie, Rock/22, to Transportation)

HB 608-FN-L, relative to a private property protection act. (Daniels, Hills/13; Kurk, Hills/5; B. McCann, Hills/33; Lawton, Belk/1; Podles, Dist/16; D. Wheeler, Dist/11, to Executive Departments and Administration)

HB 609, designating segments of the Ashuelot River for the rivers management program. (Burnham, Ches/8; I. Pratt, Ches/5; Stamatakis, Sull/5; Perry, Ches/11; Pearson, Ches/17; Blaisdell, Dist/10, to Resources, Recreation and Development)

HB 610-FN, requiring the development of plans and procedures for the coordination of marine patrol law enforcement activities on New Hampshire tidal waters and requiring the marine patrol to use the Coast Guard equipment standards on New Hampshire tidal waters exclusively. (Syracusa, Rock/33; Felch, Rock/21; Ritzo, Rock/24; Vaughn, Rock/35, to Transportation)

HB 611, establishing a maximum speed limit on New Hampshire tidal waters. (Syracusa, Rock/33; Ritzo, Rock/24; Felch, Rock/21; Vaughn, Rock/35, to Transportation)

HB 612-FN-L, relative to changes in the maximum weekly benefit amount for unemployment compensation. (Turner, Belk/7; Skinner, Rock/27, to Labor, Industrial and Rehabilitative Services)

HB 613-FN, changing how earned income is calculated for people who receive aid to the permanently and totally disabled. (Nardi, Hills/39; Trombly, Merr/4; D. Sytek, Rock/26; K. Wheeler, Straf/8; Hough, Dist/5, to Health, Human Services and Elderly Affairs)

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance. (Nardi, Hills/39; Trombly, Merr/4; D. Sytek, Rock/26; K. Wheeler, Straf/8; Hough, Dist/5, to Health, Human Services and Elderly Affairs)

HB 615-FN-L, recodifying the municipal budget law. (Trelfa, Graf/2; R. Campbell, Belk/4; Ferguson, Hills/13; P. Cote, Rock/9; Salatiello, Belk/2; W. King, Dist/2; Blaisdell, Dist/10, to Municipal and County Government)

HB 616-FN-A-L, providing for property tax relief and making an appropriation therefor. (Kurk, Hills/5; B. Packard, Hills/19; D. Hall, Merr/10, to Ways and Means)

HB 617, to prohibit state agencies from charging fees for the inspection of health and safety equipment until after the equipment is actually inspected. (Braiterman, Merr/3; Fillion, Merr/17, to Executive Departments and Administration)

HB 618-FN-L, limiting the amount a town or city may receive from sale of property taken in default of redemption. (Perry, Ches/11, to Municipal and County Government)

HB 619, upgrading a segment of New Hampshire Route 127 and making an appropriation therefor. (Whittemore, Merr/13, to Public Works)

HB 620, extending unemployment benefits to domestic workers. (Weeks, Merr/24; Teague, Merr/20; Copenhagen, Graf/10; McLane, Dist/15, to Labor, Industrial and Rehabilitative Services)

HB 621-FN-A, relative to the threshold for filing under the business profits tax. (D. Sytek, Rock 26; Cowenhoven, Hills/14, to Ways and Means)

HB 622-FN, relative to solid waste management districts. (A. Merrill, Straf/8; Burnham, Ches/8; J. Bradley, Carr/8; M. Campbell, Rock/26; B. Hall, Hills/20; W. King, Dist/2; Russman, Dist/19; Currier, Dist/7, to Environment and Agriculture)

HB 623, establishing a permanent committee to supervise and coordinate the various aspects of the corrections system. (Braiterman, Merr/3; E. Moore, Hills/6; Apple, Merr/11; C. W. Johnson, Merr/7; Podles, Dist/16, to Corrections and Criminal Justice)

HB 624-FN, creating a unit within the department of environmental services to certify certain scientists. (Boucher, Rock/29; Gosselin, Hills/45; K. Ward, Graf/1; Scanlan, Graf/11, to Executive Departments and Administration)

HB 625-FN-A, relative to the sale of fireworks and levying a tax thereon. (Hutchinson, Rock/29, to Public Protection and Veterans Affairs)

HB 626-FN-A-L, permitting casino gambling in New Hampshire. (Hutchinson, Rock/29; Pullman, Rock/13; Laughlin, Hills/41; Larochele, Hills/41, to Regulated Revenues)

HB 627-FN, authorizing the department of fish and game to accept the Spencer Pond dam in the town of Canterbury. (Schanda, Rock/19, to Resources, Recreation and Development)

HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Kurk, Hills/5; Record, Hills/27; Soldati, Merr/21, to Transportation)

HB 629-FN-L, changing the interest rate on delinquent property taxes and subsequent taxes. (Hanselman, Hills/21; I. Pratt, Ches/5; R. Hawkins, Belk/3; Lown, Hills/14; F. Torr, Straf/12, to Municipal and County Government)

HB 630-FN, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. (Reidy, Hills/46; P. Wells, Hills/16, to Commerce, Small Business and Consumer Affairs)

HB 631, modifying administrative penalties to be paid to the director of safety services and deposited into the boat safety fund. (Gross, Merr/18, to Transportation)

HB 632, relative to filing requirements for candidates running for the office of state representative. (Gross, Merr/18, to Constitutional and Statutory Revision)

HB 633, repealing inactive study committees. (Gross, Merr/18, to Legislative Administration)

HB 634, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists. (Gross, Merr/18, to Constitutional and Statutory Revision)

HB 635-FN, relative to social security cost-of-living increases to certain recipients of assistance. (K. Wheeler, Straf/8; Amidon, Hills/9; Mason, Hills/11; Lynch, Ches/19; Dow, Graf/7, to Health, Human Services and Elderly Affairs)

HB 636-FN, requiring users of the state park system to pay an additional fee to be deposited into the fish and game search and rescue fund. (Laughlin, Hills/41; Larochele, Hills/41, to Resources, Recreation and Development)

HB 637-FN, repealing the position of commissioner of environmental services and transferring all duties within the department to the director of water resources. (Warburton, Rock/12, to Executive Departments and Administration)

HB 638-FN, requiring voter approval for the issuance of all state bonds. (Hemon, Straf/11, to Public Works)

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. (Salatiello, Belk/2, to Commerce, Small Business and Consumer Affairs)

HB 640-FN, transferring the supreme court's powers and duties over the state law library to the state librarian and promoting public access to the state law library. (Hemon, Straf/11, to Executive Departments and Administration)

HB 641-FN-A, relative to an exemption for "S" corporations from the business profits tax. (M. Holt, Hills/26, to Ways and Means)

HB 642-FN, requiring voter approval for the issuance of all county bonds. (Hemon, Straf/11, to Municipal and County Government)

HB 643-FN-L, relative to lead poisoning prevention reduction and control. (Gagnon, Hills/48; Pepino, Hills/40; D. Wheeler, Dist/11, to Health, Human Services and Elderly Affairs)

HB 644-FN, establishing an office of administrative appeals. (Allen, Hills/1, to Executive Departments and Administration)

HB 645-FN, repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals and increasing a filing fee charged by the board. (Burling, Sull/1, to Judiciary)

HB 646-FN, relative to relaying information on budgetary matters to parents of school children. (Domaingue, Hills/44; Apple, Merr/11; N. Young, Belk/7; Skinner, Rock/27; P. White, Graf/6; Lovejoy, Dist/6; D. Wheeler, Dist/11; Barnes, Dist/17, to Education)

HB 647, requiring the department of transportation to study the feasibility of a bypass around the town of Troy and to reconstruct the N.H. Routes 9 and 119 bridges over the Connecticut river and making an appropriation therefor. (Burnham, Ches/8; McGuirk, Ches/1; Champagne, Ches/19; Bonneau, Ches/2; McNamara, Ches/3, to Public Works)

HB 648, permitting emergency unit vehicles to be equipped with sirens. (Christie, Rock/22, to Public Protection and Veterans Affairs)

HB 649, exempting certain transactions between community land trusts and housing cooperatives from the common law rule against perpetuities. (Soldati, Merr/21, to Judiciary)

HB 650, requiring a judge to give certain instructions to the jury in any criminal case or in a civil case whenever government is a party to the trial. (D. Welch, Rock/18, to Judiciary)

HB 651-FN, allowing the legislative committee on administrative rules to object to a fee imposed by rule, if such fee does not reflect only the direct and indirect costs of a program funded or function provided. (Teschner, Graf/5; B. Arnold, Hills/37; Soldati, Merr/21; Nichols, Merr/2; D. Sytek, Rock/26; Bourque, Dist/20; Barnes, Dist/17; McLane, Dist/15; Colantuono, Dist/14; Roberge, Dist/9, to Legislative Administration)

HB 652-FN, requiring state fees to reflect only the direct and indirect costs of a program funded or function provided. (Teschner, Graf/5; B. Arnold, Hills/37; Soldati, Merr/21; Nichols, Merr/2; D. Sytek, Rock/26; Bourque, Dist/20; Barnes, Dist/17; McLane, Dist/15; Colantuono, Dist/14; Roberge, Dist/9, to Legislative Administration)

HB 653, relative to the practice of optometry. (P. Wells, Hills/16; Disnard, Dist/8, to Health, Human Services and Elderly Affairs)

HB 654-FN, clarifying the laws relative to temporary guardianship. (D. Cote, Hills/29; Lown, Hills/14; Baldizar, Dist/12; Hollingworth, Dist/23, to Judiciary)

HB 655-FN, requiring the legislature and judiciary to participate in the waste reduction and recycling program. (Burnham, Ches/8; McIlwaine, Graf/3, to Legislative Administration)

HB 656-FN, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988, but before July 1, 1991. (M. Hill, Merr/16, to Executive Departments and Administration)

HB 657-FN-L, repealing the home education laws allowing the state board to adopt rules relative to home education, and making certain other changes relative to education. (Rothhaus, Hills/18; Kennedy, Merr/7, to Education)

HB 658-FN, relative to access to health care for the uninsured. (K. Foster, Ches/19; Trombly, Merr/4, to Health, Human Services and Elderly Affairs)

HB 659-FN, relative to road tolls on users of special fuel. (B. Hall, Hills/20, to Public Works)

HB 660-FN, relative to drug forfeiture. (Burling, Sull/1; Haettenschwiller, Hills/29; DePecol, Ches/14; McGovern, Rock/35; Borsa, Hills/24, to Judiciary)

HB 661-FN-A, relative to the highway and bridge betterment program fund, establishing transportation programs, increasing the road toll on users of motor fuel, and levying a gasoline floor tax. (J. Ward, Merr/12; Driscoll, Graf/7; Schotanus, Sull/3; LaMott, Graf/5, to Public Works)

HB 662-FN-A, relative to adjustments to gross business profits under the business profits tax. (D. Sytek, Rock/26; Cowenhoven, Hills/14, to Ways and Means)

HB 663-FN, making technical corrections to the securities laws. (B. Packard, Hills/19; Fraser, Dist/4, to Commerce, Small Business and Consumer Affairs)

HB 664-FN, relative to the program for the permanently and totally disabled. (Copenhaver, Graf/10; Gilmore, Straf/11, to Health, Human Services and Elderly Affairs)

HB 665-FN-A, relative to a statewide property tax to fund education. (Allen, Hills/1, to Ways and Means)

HB 666-FN-L, increasing fees charged by sheriffs and deputy sheriffs. (Shaw, Merr/12, to Judiciary)

HB 667-FN, relative to relocating certain state offices on the Laconia developmental services site and relocating the lakes region correctional facility. (N. Young, Belk/7; Fenton, Hills/24; Domaingue, Hills/44, to Public Works)

HB 668-FN, changing the laws relative to nonemergency involuntary admissions. (Allen, Hills/1, to Judiciary)

HB 669-FN, transferring the right to appeal in certain cases from a decision of the labor commissioner on workers' compensation from the superior court to the compensation appeals board. (Pfaff, Merr/11; R. Hawkins, Belk/3, to Labor, Industrial and Rehabilitative Services)

Rep. Musler moved that the House vacate the reference of **HB 571-FN**, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading, to the Committee on Environment and Agriculture.

Adopted and referred to the Committee on Science, Technology and Energy.

Rep. Wadsworth moved that the House vacate the reference of **HB 278**, relative to joint building committees for the construction of schoolhouses, to the Committee on Municipal and County Government.

Adopted and referred to the Committee on Education.

Rep. Musler moved that the House vacate the reference of **HB 678-FN**, relative to unfunded state mandates and exempting political subdivisions from certain administrative fines, to the Committee on Environment and Agriculture.

Adopted and referred to the Committee on Resources, Recreation and Development.

Rep. Dickinson moved that the House vacate the reference of **HB 279**, establishing a committee to examine the effects of phosphorus and phosphorus-based products on the water quality of New Hampshire lakes, ponds, and rivers, to the Committee on Resources, Recreation and Development.

Adopted and referred to the Committee on Environment and Agriculture.

Rep. Kidder moved that the House vacate the reference of **HB 463-FN-L**, allowing municipalities and counties reimbursement from the state for aid paid to persons in need due to a delay in aid at the state level, to the Committee on Executive Departments and Administration.

Adopted and referred to the Committee on Health, Human Services and Elderly Affairs.

AMENDMENTS TO HOUSE RULES

Rep. Michael Hill offered the following as proposed by the Rules Committee:

Note: Deletions are in parenthesis; insertions are in bold.

Amend Rule 46(b) as follows:

All bills and resolutions affecting state revenues or fees shall, if favorably reported from the Committee on Regulated Revenues, be referred to the Committee on Ways and Means (for a report on the effect of the passage of such bill or resolution on the revenues of the state). **Any bill or resolution establishing, amending, or repealing a state fee established in statute, excluding professional licensing fees, shall, if approved by the House when reported by the appropriate policy committee, be referred to the committee on Ways and Means.**

Rep. Michael Hill spoke in favor.

Adopted.

Reps. Gross and Trombly offered the following:

Amend House Rule 67 by deleting it and replacing it with the following:

SEPTEMBER 8, 1992, Tuesday -	First day to file state-agency LSRs, with all information.
SEPTEMBER 10, 1992, Thursday -	First day for incumbents to file LSRs, with all information.
OCTOBER 1, 1992, Thursday -	Last day to file state-agency LSRs.
NOVEMBER 13, 1992, Friday -	First day for new members to file LSRs, with all information.
NOVEMBER 16, 1992, Monday -	Last day to sign off state-agency LSRs.
DECEMBER 4, 1992, Friday -	Last day for incumbents to sign off FN bills.
DECEMBER 9, 1992, Wednesday -	Last day for all members to file LSRs.
DECEMBER 18, 1992, Friday -	Last day to sign off all bills.
JANUARY 7, 1993, Thursday -	Last day to introduce money bills.
JANUARY 14, 1993, Thursday -	Last day to introduce non-money bills.
FEBRUARY 11, 1993, Thursday -	Governor's Budget Message.
FEBRUARY 18, 1993, Thursday -	Revenue report by Ways & Means.
FEBRUARY 21 to 27, 1993 -	One-week break.
MARCH 4, 1993, Thursday -	Last day to report money bills.
MARCH 11, 1993, Thursday -	Last day to report non-money bills.
	Last day to refer licensing bills to ED&A.

- Last day for ED&A to report licensing bills.
 Last day to refer money bills to Appropriations.
 Last day for Public Works to report Capital Budget.
 MARCH 18, 1993, Thursday - Crossover day for all non-money bills.
 Last day to refer Capital Budget to Appropriations.
 Last day to refer licensing bills to Appropriations.
 MARCH 25, 1993, Thursday - Last day for Ways & Means to report revenue bills.
 APRIL 6, 1993, Tuesday - Last day to refer revenue bills to Appropriations.
 APRIL 8, 1993, Thursday - Last day for Appropriations to report money bills and budgets.
 APRIL 13, 1993, Tuesday - Crossover for all revenue bills.
 Last day for House budget briefing.
 APRIL 15, 1993, Thursday - Crossover for all money and budget bills.

Deadlines for Bills in the Second Body

- MAY 4, 1993, Tuesday - Last day for Ways & Means to report Senate revenue bills.
 MAY 6, 1993, Thursday - Last day to act on Senate revenue bills.
 MAY 11, 1993, Tuesday - Last day to act on all Senate money bills.
 MAY 20, 1993, Thursday - Last day to act on all Senate non-money bills.

Deadlines for Committees of Conference

- MAY 25, 1993, Tuesday - Last day to form Committees of Conference.
 JUNE 1, 1993, Tuesday - Last day to file Committee-of-Conference reports
 (3:00 pm with Clerk).
 JUNE 4, 1993, Friday - All Committee-of-Conference reports (except budgets) available
 (4:00 pm).
 JUNE 7, 1993, Monday - Budget Committee-of-Conference report available (10:00 am).
 JUNE 9, 1993, Wednesday - Last day to act on Committee-of-Conference reports
 (except budgets).
 JUNE 10, 1993, Thursday - Last day to act on Budget Committee-of-Conference reports.
 End of first-year session except for veto day.
 JUNE 14, 1993, Monday - All bills to Governor.
 Reps. Gross, Michael Hill and Trombly spoke in favor.
 Rep. Copenhaver spoke against.
 Adopted.

Reps. Gross and Trombly offered the following:

Floor Amendment

Amend Rule 67 as follows:

Under the date of March 11, delete the following:

Last day for ED&A to report licensing bills.

Adopted.

Reps. Ann Torr and Crory offered the following:

Floor Amendment

Allowing House Committee Rules 100 to 115 to be altered by a majority vote until February 11, 1993.

Adopted.

The Chair appointed a Committee to study House Rules 100 thru 115:

Reps. Donna Sytek, Chairman; Michael Hill, Ann Torr, O'Rourke and Crory.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 234, relative to the Winnisquam regional cooperative school district and the Tilton and Northfield union school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles B. Yeaton for Education: This bill was requested by officials of the three towns of the Winnisquam School District and has the general support of the three communities. By dissolving the Tilton-Northfield Union School District, it makes it possible to solve problems relative to the school assessment formula which have been a source of contention in these communities, but because of legal technicalities cannot be addressed without this legislation. Vote 17-0.

Amendment (1149B)

Amend 1927, 211:3 as inserted by section 1 of the bill by replacing it with the following:

211:3 School Board Composition in Event of Withdrawal. In the event of withdrawal of either the Tilton school district or the Northfield school district from the Winnisquam regional cooperative school district pursuant to RSA 195:24-30, the school board of such district shall consist of 5 members who shall be elected at a special election called for this purpose for a term of 3 years, provided that 2 members of the board shall be elected for 3 years, 2 members elected for 2 years, and one member for one year.

Amend the bill by replacing all after section 2 with the following:

3 Contingency. Except for paragraph III as inserted by section 2, this act shall be effective upon the passage of amendments to the Winnisquam regional cooperative school district articles of agreement which designate the Tilton school district and the Northfield school district as separate, pre-existing school districts, and upon the adoption of amendments to adjust the allocation of operating and capital costs between the Sanbornton, Tilton and Northfield school districts.

4 Special School District Election. Upon relevant passage of this bill and passage of the amendments to the Winnisquam regional cooperative school district articles of agreement, a special school district election will occur on the second Tuesday of the following May at which school district officers will be elected in accordance with the articles whose terms shall begin on the following July 1.

5 Effective Date.

I. Section 2, paragraph III of this act shall take effect upon its passage.

II. The remainder of this act shall take effect as provided in section 3 of this act.

HB 104-FN-L, amending the way in which the town of Londonderry shall collect its taxes for the fiscal year ending June 30, 1994. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roland A. Morrissette for Municipal and County Government: The bill addresses the way the towns of Londonderry and Sunapee shall collect taxes for the fiscal year ending June 30, 1994, and corrects problems which arose when these towns switched from calendar year to fiscal year budgeting. Vote 16-0.

Amendment (1134B)

Amend the title of the bill by replacing it with the following:

AN ACT

amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal year ending June 30, 1994.

Amend the bill by replacing all after section 1 with the following:

2 Sunapee Property Taxes for Fiscal Year Ending June 30, 1994.

I. Notwithstanding any other provision of law to the contrary, for the town of Sunapee, the 1993 semi-annual tax bill shall be computed by taking the prior year's assessed value times \$7.25 per \$1,000 of such assessed valuation; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times \$7.25 per \$1,000 of the current year's appraisal to compute the partial payment.

II. The provisions of this section are necessary to alleviate the deficit caused by the \$600,000 understatement of the 1992 tax levy. The commissioner of the department of revenue administration shall include the \$600,000 in the 1993 tax rate established pursuant to RSA 21-J:35.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill sets the tax rate in the town of Londonderry at \$25.12 per \$1,000 for the fiscal year ending June 30, 1994.

This bill also sets the tax rate in the town of Sunapee at \$7.25 per \$1,000 for the fiscal year ending June 30, 1994.

HB 132-L, increasing the borrowing authority of the Bartlett water precinct. OUGHT TO PASS

Rep. Elizabeth A. Cepaitis for Municipal and County Government: This bill increases the borrowing authority of the Bartlett Water Precinct from \$25,000 to \$2.5 million to fund a filtering system in order to comply with the Clean Water Act. Borrowing must be approved by 2/3 vote of the precinct. State action is necessary due to bonding limits. Vote 16-0.

HB 353, relative to the police commission in the town of Conway. OUGHT TO PASS

Rep. Richard T. Trelfa for Municipal and County Government: Conway's Police Commission is organized under chapter law (1969, 570). This bill clarifies the authority of the Police Commission to hire and set compensation for police personnel and staff who might not technically be considered police officers, constables or superior officers. Vote 16-0.

HB 360, allowing municipalities to adopt a new optional elderly property tax relief exemption. INEXPEDIENT TO LEGISLATE

Rep. David M. Perry for Municipal and County Government: This bill is one of several bills addressing the elderly tax exemptions. This bill would create different tax rates for the elderly who qualified for the exemption, creating a serious constitutional problem. Vote 16-0.

HB 366-L, allowing the town moderator to mediate certain disputes. INEXPEDIENT TO LEGISLATE

Rep. Robert M. Fesh for Municipal and County Government: The Department of Revenue Administration and the sponsor have agreed to look for a solution without new legislation, as this bill will not do the job intended by the sponsor. Vote 15-0.

HB 498, relative to the committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties. OUGHT TO PASS

Rep. David M. Perry for Municipal and County Government: This bill continues the study created by HB 1351, Chapter 81, Laws of 1992. It is a very important study and should be continued. Tax-exempt property is an ever-increasing problem for municipalities and needs to be addressed. Vote 16-0.

HB 122-FN, changing Central Street in the town of Newport to a class II highway. OUGHT TO PASS

Rep. Fredrik Peyron for Public Works: Central Street in Newport is an essential connector. Westbound traffic has used it for years. A turn downtown cannot be negotiated safely on the present routes 11 - 103. This project is a joint venture between the State and Newport. The Department of Transportation has agreed with this bill. Vote 19-0.

HB 125-FN, relative to federal funding for rebuilding, modernizing, and maintaining rail properties. OUGHT TO PASS

Rep. Sandra B. Keans for Public Works: This bill would bring the State's rail program into conformity with the federal regulations which allow for matches of materials and labor on rehabilitation projects. It also provides for a lien to be placed for State's share at time of improvement for a 10-year period. Vote 18-0.

HB 143-FN-L, changing the definition of "drive" to include operating a bicycle. INEXPEDIENT TO LEGISLATE.

Rep. George N. Katsakiores for Transportation: This bill would add bicycles to motor vehicles and OHRVs to the definition of "drive" in a single section of the motor vehicle statutes. Because the term appears in many sections of the statutes, the committee was not inclined to amend this single reference without examining every reference. Vote 14-0.

HB 202, allowing use of photographs on file for a duplicate driver's license. OUGHT TO PASS.

Rep. Thaddeus E. Klemarczyk for Transportation: In conjunction with the on-line imaging auto licensing program adopted in the 1991 session, this bill removes the requirement that a new photograph be taken for a duplicate license. The committee voted unanimously 13-0 Ought To Pass.

REGULAR CALENDAR

HB 500, relative to the obligations of lessees of publicly owned property for the payment of property taxes. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Municipal and County Government: Publicly held land when leased to for-profit entities incurs property taxes. There has been confusion in the past as to whether these property taxes can be passed to lessees. A notable case involves Nashua Airport, where all the business, several years into their leases and already paying taxes on their buildings, were handed tax bills on the land they leased. This bill requires full disclosure at the time the lease is signed. Vote 16-0.

Adopted and ordered to third reading.

Rep. Harwell notified the Clerk that he wished to be recorded in opposition to the bill.

HB 124-A, repealing an appropriation for an environmental and engineering study and authorization to acquire rights-of-way for construction of a truck lane on U.S. Route 2 in Jefferson. **OUGHT TO PASS**

Rep. John P. Chandler for Public Works: This bill repeals an authorization and an appropriation which is no longer needed. The project has been completed by the New Hampshire Department of Transportation under the Betterment Program using existing funds and department personnel. Vote 18-0.

Adopted and ordered to third reading.

HB 447-A, to acquire land at Odiorne Point and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fredrik Peyron for Public Works: HB 447 deals with the purchase of the remaining two acres of land and buildings at Odiorne Point in Rye. The state already has purchased 65 acres at Odiorne Point and this bill would allow the state to acquire the remaining vital portion of the property. The committee is sensitive to increased appropriations from the general fund and the amendment deals with a four-year payback to the general fund from regular appropriations to the Department of Resources and Economic Development. This method of repayment allows purchase of an important piece of property without any increase in general fund expenditures over a four-year period. Vote 14-1.

Amendment (1138B)

Amend the bill by replacing section 2 with the following:

2 Appropriation.

I. The sum of \$200,000 is appropriated to the department of resources and economic development for the fiscal year ending June 30, 1994, for the purpose of acquiring the 2-acre parcel at Odiorne Point described in section 1 of this act. This appropriation is in addition to any other appropriations to the department of resources and economic development. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Any sums appropriated to the department of resources and economic development under the provisions of this act shall be repaid to the general fund from park revenues no later than July 1, 1997.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

AMENDED ANALYSIS

This bill makes an appropriation to the department of resources and economic development for the purpose of acquiring a 2-acre parcel at Odiorne Point.

Adopted.

Report adopted and referred to Appropriations.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration at the present time of **HCR II**, relative to the Portsmouth Naval Shipyard.

Reps. Michael Hill and Trombly spoke in favor.
Adopted by the necessary two-thirds.

HCR 11, relative to the Portsmouth Naval Shipyard. OUGHT TO PASS WITH AMENDMENT

Rep. Lawrence J. Guay for State-Federal Relations: This concurrent resolution urges the President of the United States of America to reject any naval base closure list, submitted by the Base Closure Commission, which includes the Portsmouth Naval Shipyard. It is crucial that we pass HCR 11 in order to have a viable economic base such as the Portsmouth Naval Shipyard because it impacts the Seacoast area and the entire state of New Hampshire. There are six naval bases which may possibly be closed, but Portsmouth has the most impressive state-of-the-art dry dock facility complex ever built for the overhaul of LA-class (or 688) submarines. To persuade the President of the United States, Speaker of the United States House of Representatives, President of the United States Senate, Secretary of Defense, and the Senate and House Committees on Armed Services of the importance of the Portsmouth Naval Shipyard, New Hampshire must show strong public support. The committee believes that the unanimous and timely consent of the House and the Senate of HCR 11 is essential to show our support for the Portsmouth Naval Shipyard. Vote 16-0.

Amendment (1184B)

Amend the resolution by replacing all after the resolving clause with the following:

That the general court hereby urges the President of the United States of America, Commander in Chief of the Armed Forces to reject any Naval Base Closure List submitted by the Base Closure Commission that includes the Portsmouth Naval Shipyard; and

That copies of this resolution be hand delivered by the speaker of the house, or designee, and the president of the senate, or designee, to the President of the United States, Speaker of the United States House of Representatives, President of the United States Senate, the Secretary of Defense, the Senate and House committees on Armed Services and to each member of the New Hampshire Congressional delegation.

Adopted.

Rep. Beverly Gage yielded to questions.

Reps. L'Heureux, Gorman and Fuller Clark spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the amended committee report.

YEAS 369

NAYS 3

YEAS 369

BELKNAP

Bartlett, Gordon
Hauck, William
Lafam, Robert
Salatiello, Thomas
Ziegra, Alice

Cain, Thomas
Hawkins, Robert
Lawton, David
Smith, Linda

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

Golden, Paul
Johnson, Carl
Rosen, Ralph
Young, Niel

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

Cogswell, Richard
Mock, Henry
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Cole, Stacey
Hunt, John
McGuirk, Paul
Perry, David
Robertson, Timothy

Bonneau, Sarah
DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Delano, Robert
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara
Smith, Edwin

Champagne, Richard
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Riley, William

COOS

Bradley, Paula
Hawkinson, Marie
Merrill, Gerald

Foss, Frederic
Horton, Lynn
Pratt, Leighton

Guay, Lawrence
Mayhew, Josephine
Wiswell, James

Harwell, Tyler
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Channing
Crory, Elizabeth
Gordon, Edward
LaMott, Paul
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Dow, David
Guest, Robert
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Below, Clifton
Chase, Paul, Jr.
Driscoll, William
Ham, Bonnie
McIlwaine, Deborah
Trelfa, Richard

Brown, Alson
Copenhaver, Marion
Eaton, Stephanie
Hill, Richard
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Asselin, Robert
Borsa, Andrew
Calawa, Leon, Jr.
Cote, David
Daniels, Gary
Drabinowicz, A. Theresa
Dyer, Merton
Ferguson, Charles
Gagnon, Eugene
Haettenschwiller, Alphonse
Holden, Carol
Hunter, Bruce
Johnson, Lionel
Kurk, Neal
Lefebvre, Roland
Martin, Mary Ellen
McNerney, Daniel
Milligan, Robert
Morello, Michael
O'Rourke, Joanne
Perkins, Paul
Record, Alice
Rodgers, G. Philip
Searles, Stanley, Sr.
Tate, Joan
Weergang, Alida
Wright, George

Ahern, Richard
Andrews, Frederick
Bagley, Amy
Bowers, Dorothy
Cepaitis, Elizabeth
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Dykstra, Leona
Fields, Dennis
Gervais, Glen
Hanselman, Gregory
Holley, Sylvia
Jasper, Shawn
Kelley, Dana
L'Heureux, Robert
Lessard, Rudy
Mason, Howard
McRae, Karen
Mittelman, David
Morrisette, Roland
Packard, Bonnie
Peters, Stanley
Reidy, Frank
Rothhaus, Finlay
Smart, John
Toomey, Kathryn
Wells, Peter, Sr.

Ahrens, Frederick
Arnold, Barbara
Bergeron, Lucien
Buckley, Raymond
Chabot, Robert
Crotty, Edward
Domaingue, Jacquelyn
Durham, Susan
Eliades, George
Foster, Linda
Gosselin, Gerald
Hart, Nick
Holt, David
Jean, Claudette
Kelley, Robert
Lachut, Ervin
Lown, Elizabeth
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Murphy, Robert
Paquette, Rodolphe
Philbrook, Paula
Rheault, Lillian
Sallada, Roland
Smith, Leonard
Turgeon, Roland
Wheeler, Robert

Allen, W. Gordon
Arnold, Thomas, Jr.
Bergeron, Normand
Burke, M. Virginia
Clemons, Jane
Daigle, Robert
Donovan, Francis
Dwyer, Patricia
Fenton, James
Franks, Suzan
Greenberg, Gary
Healy, Daniel
Holt, Mark
Jean, Loren
Kirby, Thomas
Laughlin, J. Francis
Lozeau, Donnalee
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Nardi, Theodora
Pepino, Leo
Plourde, Alphonse
Riley, Frances
Sargent, Maxwell
Soucy, Donna
Vanderlosk, Stanley
White, John

MERRIMACK

Apple, Lowell
Susan
Feuerstein, Martin
Hall, Douglas
Johnson, C. William
Langer, Ray
Owen, Derek
Soldati, Jennifer
Wallner, Mary Jane
Willis, Jack

Barberia, Richard
Chandler, Earle
Fillion, Paul
Hill, Michael
Johnson, Joyce May
Lockwood, Robert
Pfaff, Terence
Stapleton, Henry
Ward, Jay
Yeaton, Charles

Braiterman, Thea
Chandler, John
French, Barbara
Holmes, Mary
Kennedy, Richard
Moore, Carol
Rogers, Katherine
Teague, Bert
Whalley, Michael

Buessing, MarjorieCarter,
Daneault, Gabriel
Gilbreth, Robert
Houlahan, Thomas
Kidder, William
Nichols, Avis
Shaw, Randall
Trombly, Rick
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
 Bell, Juanita
 Campbell, Marilyn
 Clark, Martha
 Cote, Charles
 Dowd, Sandra
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Hemenway, Thomas
 Johnson, Robert
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Miller, Don
 O'Keefe, Patricia
 Putnam, Ed, II
 Rosencrantz, James
 Simon, Peter
 St. Martin, Tommy
 Sytek, Donna
 Warburton, Calvin
 Woods, Deborah

Arndt, Janet
 Blake, Daniel
 Caswell, Albert, Jr.
 Clark, Vivian
 Cote, Patricia
 Dowling, Patricia
 Fesh, Robert
 Gage, Beverly
 Hurst, Sharleene
 Kane, Cecelia
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Moore, Benjamin
 Packard, Sherman
 Raynowska, Bernard
 Rubin, George
 Skinner, Patricia
 Stone, Joseph
 Sytek, John
 Welch, David
 Yennaco, Carol

Battles, Marjorie
 Boucher, William
 Chester, Sherman
 Coes, Betsy
 Crossman, Harold, Jr.
 Drake, Herbert
 Flanagan, Natalie
 Gorman, Donald
 Hutchinson, Karen
 Katsakiores, George
 Kruse, Fred
 McGovern, Cynthia
 Newman, Rick
 Pantelakos, Laura
 Richards, David
 Schanda, Joseph, Sr.
 Smith, Arthur
 Stritch, C. Donald
 Terninko, Margaret
 Weyler, Kenneth

Beaulieu, Jon
 Bove, Martin
 Christie, Andrew, Jr.
 Conroy, Janet
 DiPietro, Carmela
 Dube, LeRoy
 Flanders, David
 Groves, Bonnie
 Johnson, Bill
 Katsakiores, Phyllis
 Lee, Rebecca
 McKinney, Betsy
 Noyes, Richard
 Pullman, Robert
 Ritzo, Eugene
 Senter, Marilyn
 Splaine, James
 Syracuse, Anthony
 Vaughn, Charles
 Williamson, William

STRAFFORD

Brown, George
 Douglass, Clyde
 Hashem, Elaine
 Kincaid, William
 McCann, William, Jr.
 Merritt, Deborah
 Pageotte, Donald
 Sullivan, Henry
 Wasson, Richard

Brown, Julie
 Dunlap, Patricia
 Hemon, Roland
 Knowles, William
 McGrath, J. Gregory
 Musler, George
 Pelletier, Arthur
 Torr, Ann
 Wheeler, Katherine

Callaghan, Frank
 Gilmore, Gary
 Hilliard, Dana
 Loder, Suzanne
 McKinley, Robert
 Nehring, William
 Rogers, Rose Marie
 Vincent, Francis

Chagnon, Ronald
 Hambrick, Patricia
 Keans, Sandra
 Lundborn, Raymond
 Merrill, Amanda
 O'Brien, John
 Spear, Barbara
 Wall, Janet

SULLIVAN

3Allison, David
 Domini, Irene
 Palmer, Lorraine
 Stamatakis, Carol

Behrens, Thomas
 Flint, Gordon
 Peyron, Fredrik

Burling, Peter
 Holl, Ann
 Rodeschin, Beverly

Cloutier, John
 Lindblade, Eric
 Schotanus, Merie

NAYS 3**BELKNAP**

None

CARROLL

None

CHESHIRE

None

COOS

None

GRAFTON

Rose, William

HILLSBOROUGH

Hall, Betty

Upton, Barbara

MERRIMACK

None

ROCKINGHAM

None

STRAFFORD

None

SULLIVAN

None

and the resolution was ordered to third reading.

HR 12, affirming revenue estimates for fiscal year 1993. OUGHT TO PASS WITH AMENDMENT.

Amendment (1143B)

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates for fiscal year 1993:

GENERAL FUND	1993
Beer tax and fees	\$ 11,500,000
Board and care revenue	22,000,000
Medicaid enhancement tax	160,700,000
Business profits tax	105,000,000
Estate and legacy tax	28,000,000
Insurance tax	45,000,000
Interest and dividends tax	36,000,000
Liquor operations revenue	65,000,000
Meals and rooms tax	94,000,000
Parks income	4,500,000
Dog racing revenue	4,000,000
Horse racing revenue	2,000,000
Real estate transfer tax	28,000,000
Communications tax	30,000,000
Tobacco tax	41,000,000
Utility tax	24,000,000
Other revenues	38,100,000
Court fines and fees revenues	21,000,000
Savings bank tax	3,000,000
Total	<u>\$762,800,000</u>
HIGHWAY FUND	
Gasoline tax	\$ 96,875,000
Motor vehicle fees	54,540,000
Miscellaneous	8,450,000
Total	<u>\$159,865,000</u>
FISH AND GAME FUND	
Fish and game licenses	\$ 6,015,400
Fines and penalties	85,000
Miscellaneous sales	491,500
Indirect costs	50,000
Total	<u>\$ 6,641,900</u>

Rep. Jasper spoke in favor.

Reps. Cowenhoven and Donna Sytek spoke in favor and yielded to questions.

Rep. Trombly spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Warburton moved that **HR 12**, affirming revenue estimates for fiscal year 1993 be laid on the table.

Roll call request sufficiently seconded. The question being to lay HR 12 on the table.
(Pending question; adoption of the amendment)

YEAS 147**NAYS 220****YEAS 147
BELKNAP**

Holbrook, Robert Salatiello, Thomas

Turner, Robert

Young, Niel

CARROLL

Mock, Henry Wigginn, Gordon

CHESHIREBonneau, Sarah Burnham, Daniel
Kingsbury, H. Thayer Lynch, Margaret
Richardson, Barbara Riley, WilliamChampagne, Richard
McGuirk, Paul
Robertson, TimothyDePecol, Benjamin
Pratt, Irene
Russell, Ronald**COOS**Bradley, Paula Harwell, Tyler
Mears, Edgar Merrill, GeraldHawkinson, Marie
Wiswell, James

Mayhew, Josephine

GRAFTONBelow, Clifton Copenhaver, Marion
LaMott, Paul McIlwaine, DeborahCroy, Elizabeth
Nordgren, Sharon

Guest, Robert

HILLSBOROUGHAckerman, Philip Ahern, Richard
Asselin, Robert Bergeron, Lucien
Buckley, Raymond Clemons, Jane
Domaingue, Jacquelyn Drabinowicz, A. Theresa
Gervais, Glen Gosselin, Gerald
Hanselman, Gregory Jean, Claudette
Lessard, Rudy Martin, Mary Ellen
Murphy, Robert Nardi, Theodora
Philbrook, Paula Plourde, Alphonse
Rothhaus, Finlay Smart, John
Turgeon, Roland Weergang, AlidaAllen, W. Gordon
Bergeron, Normand
Cote, David
Dwyer, Patricia
Haettenschwiller,
Laughlin, J. Francis
Milligan, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
White, JohnArnold, Thomas, Jr.
Borsa, Andrew
Crotty, Edward
Foster, Linda
Alphonse Hall, Betty
Lefebvre, Roland
Morrissette, Roland
Paquette, Rodolphe
Rheault, Lillian
Toomey, Kathryn
Wright, George**MERRIMACK**Braiterman, Thea Daneault, Gabriel
Gilbreth, Robert Johnson, Joyce May
Rogers, Katherine Soldati, Jennifer
Wallner, Mary Jane Ward, JayDunn, Miriam
Moore, Carol
Teague, Bert
Yeaton, CharlesFrench, Barbara
Owen, Derek
Trombly, Rick**ROCKINGHAM**Beaulieu, Jon Caswell, Albert, Jr.
Crossman, Harold, Jr. Dube, LeRoy
Johnson, Bill Kane, Cecelia
Newman, Rick O'Keefe, Patricia
Rubin, George Schanda, Joseph, Sr.
Syracusa, Anthony Terninko, MargaretClark, Martha
Gorman, Donald
McGovern, Cynthia
Pantelakos, Laura
Splaine, James
Vaughn, CharlesCoes, Betsy
Hemenway, Thomas
Moore, Benjamin
Rosencrantz, James
St. Martin, Tommy
Warburton, Calvin**STRAFFORD**Brown, George Callaghan, Frank
Hambrick, Patricia Hashem, Elaine
Keans, Sandra Kincaid, William
Lundborn, Raymond McCann, William, Jr.
Merritt, Deborah O'Brien, John
Rogers, Rose Marie Sullivan, Henry
Wheeler, KatherineDunlap, Patricia
Hemon, Roland
Knowles, William
McGrath, J. Gregory
Pageotte, Donald
Vincent, FrancisGilmore, Gary
Hilliard, Dana
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Domini, Irene
Holl, Ann	Palmer, Lorraine	Stamatakis, Carol	

NAYS 220**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul
Hauck, William	Hawkins, Robert	Johnson, Carl	Lafam, Robert
Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph	Smith, Linda
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Philbrick, Donald
Saunders, Howard	Wiggin, Allen		

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Perry, David
Smith, Edwin			

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
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GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Brown, Patricia	Chase, Paul, Jr.	Dow, David	Driscoll, William
Eaton, Stephanie	Gordon, Edward	Ham, Bonnie	Hill, Richard
Larson, Nils, Jr.	Rose, William	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	White, Paul

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara
Bagley, Amy	Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Cowenhoven, Garret	Daniels, Gary
Desrosiers, William	Donovan, Francis	Drolet, Paul	Durham, Susan
Dyer, Merton	Dykstra, Leona	Eliades, George	Fenton, James
Ferguson, Charles	Fields, Dennis	Franks, Suzan	Gagnon, Eugene
Greenberg, Gary	Hart, Nick	Healy, Daniel	Holden, Carol
Holley, Sylvia	Holt, David	Holt, Mark	Hunter, Bruce
Jasper, Shawn	Jean, Loren	Johnson, Lionel	Kelley, Dana
Kelley, Robert	Kirby, Thomas	Kurk, Neal	L'Heureux, Robert
Lachut, Ervin	Lown, Elizabeth	Lozeau, Donnalee	Mason, Howard
McCann, Bonnie	McCarty, Winston	McNemey, Daniel	McRae, Karen
Mercer, Robert	Messier, Irene	Mittelman, David	Moncrief, Keith
Moore, Elizabeth	Morello, Michael	Packard, Bonnie	Pepino, Leo
Perkins, Paul	Peters, Stanley	Record, Alice	Riley, Frances
Rodgers, G. Philip	Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.
Smith, Leonard	Tate, Joan	Upton, Barbara	Vanderlosk, Stanley
Wells, Peter, Sr.	Wheeler, Robert		

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Carter, Susan
Chandler, Earle	Chandler, John	Feuerstein, Martin	Fillion, Paul
Hall, Douglas	Hill, Michael	Holmes, Mary	Houlahan, Thomas
Johnson, C. William	Kennedy, Richard	Kidder, William	Langer, Ray
Lockwood, Robert	Nichols, Avis	Pfaff, Terence	Shaw, Randall
Stapleton, Henry	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Blake, Daniel
Boucher, William	Bove, Martin	Campbell, Marilyn	Chester, Sherman
Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet	Cote, Charles
Cote, Patricia	DiPietro, Carmela	Dowd, Sandra	Dowling, Patricia
Drake, Herbert	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Groves, Bonnie
Hurst, Sharleene	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Noyes, Richard	Packard, Sherman	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Senter, Merilyn
Simon, Peter	Skinner, Patricia	Smith, Arthur	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Chagnon, Ronald	Douglass, Clyde	McKinley, Robert	Musler, George
Nehring, William	Spear, Barbara	Torr, Ann	Wasson, Richard

SULLIVAN

Behrens, Thomas	Flint, Gordon	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle		

and the motion failed.
Amendment adopted.

LAI D ON THE TABLE

Rep. Barbara Arnold moved that **HR 12**, affirming revenue estimates for fiscal year 1993 be laid on the table.

Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 4, 1993 at 1:00 p.m..

Adopted.

LATE SESSION**Third reading and final passage**

HB 234, relative to the Winnisquam regional cooperative school district and the Tilton and Northfield union school district.

HB 104-FN-L, amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal year ending June 30, 1994.

HB 132-L, increasing the borrowing authority of the Bartlett water precinct.

HB 353, relative to the police commission in the town of Conway.

HB 498, relative to the committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties.

HB 122-FN, changing Central Street in the town of Newport to a class II highway.

HB 125-FN, relative to federal funding for rebuilding, modernizing, and maintaining rail properties.

HB 202, allowing use of photographs on file for a duplicate driver's license.

HB 500, relative to the obligations of lessees of publicly owned property for the payment of property taxes.

HB 124-A, repealing an appropriation for an environmental and engineering study and authorization to acquire rights-of-way for construction of a truck lane on U.S. Route 2 in Jefferson.

HCR 11, relative to the Portsmouth Naval Shipyard.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 2:45 p.m.

RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 5

Thursday, February 4, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We give thanks, O God, for the honesty which marks friends and makes laughter; for fierce gentleness that dares to speak the truth in love; for work which stretches us toward responsibility; and for the holiness of every moment in which we allow justice to blossom by loving our neighbors and serving You. Amen.

Rep. John Flanders led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ahlgren, Larochele, Richard Soucy, MacDonald and Mason, the day, illness.

Reps. Flint, Joyce Johnson, Dowling, Gorman, Stone, David Holt, Mayhew, Gross, Douglas Hall and Wells, the day, important business.

Reps. William Riley and Lessard, the day, death in the family.

INTRODUCTION OF GUESTS

A. D. Copestakes, guest of Rep. Avery. Noelle Linnemeyer, guest of Rep. McGrath. William Driscoll, guest of Rep. Manning. Justin McCarty, grandson of Rep. McCarty. Mary Ann Foster, wife of Rep. Robert Foster. Winnacunnet High School students, Rachael Betterly, Todd Ridenhour, April Kent, Catherine Schwartz, Liz Harvey, Jen Eaton, K. C. Hallett, Beandie Mokrisky, Tasha Royal, Eric Pierni, Rich Ducoing and Karen Gahling, guests of the Hampton Delegation. Grafton County 4-H Teen Group and leaders, Jeremiah Bixby, Sara Peters, Tim Lamarre, Sherrie Powers, Amy Peters, Eli Roy, Ben Roy, Tammy Wohllob, April Hutchinson, Jon Henson, Stacey Lucas, Marilyn Fuller, Bonnie Henson and Louise Roy, guests of Rep. Trelfa. Lee Hurst, husband of Rep. Hurst. Stephen Karol, Chairman, and Alan Sokolow, Director of the Eastern Regional Conference of the Council of State Governments, and John McCabe, Uniform Laws Commissioner, guests of Speaker Burns.

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill number 685-FN-A shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 685-FN-A, relative to a liquor store in Center Harbor and making an appropriation therefor. (Lawton, Belk/1, to Regulated Revenues)

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 294, clarifying municipal liability relative to salting highways, was removed at the request of Rep. Kurk.

HB 219, requiring towns to grant a \$1,400 property tax credit to veterans with a service-connected total disability or their surviving spouses, was removed at the request of Rep. Vaughn.

Consent Calendar adopted.

HB 230, creating a committee to study the allocation of interest resulting from pooled state funds. **OUGHT TO PASS**

Rep. Merle W. Schotanus for Appropriations: This bill is one of five bills introduced in the 1993 session to carry out the recommendations of a 1992 Appropriations-Committee-recommended study to address the problem of Highway Fund diversions. Specifically, the bill establishes a study committee to determine a fair and practical method for allocating interest on "pooled funds" held by the State Treasurer. Vote 17-2.

HB 336, relative to voter registration in cities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Phyllis M. Katsakiores for Constitutional and Statutory Revision: The majority of the Committee felt that this amended bill would help in making voting an easier process for the public and make New Hampshire more voter friendly. Vote 18-0.

Amendment (1097B)

Amend the bill by replacing section 1 with the following:

1 New Section; Change of Voter Registration in Cities. Amend RSA 654 by inserting after section 8 the following new section:

654:8-a Voter Registration in Cities.

I. Any qualified voter in a city whose name does not appear on the checklist where registration is required because the voter's voting residence has changed from one ward in the city to another ward in the same city, and who is otherwise registered to vote in the election, may change voter registration at the office of the city clerk. A change in voter registration under this section shall be made no later than the final date set for correcting the checklist in the city. The city clerk may require the voter to provide acceptable proof of identification and acceptable proof of residence.

II. Upon compliance with the procedures in paragraph I, the city clerk shall notify the supervisors of the checklist of the proper polling place directing that the voter be added to the checklist and be permitted to cast a ballot.

HB 530, relative to announcing the results of ballot questions and elections in cooperative school districts. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. White for Constitutional and Statutory Revision: The committee believed that this bill did not have any significant bearing on the already existing process. Vote 19-0.

HB 321, prohibiting public officers from altering documents filed by the public. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: Current law allows for penalties for intentional altering of documents. The committee had reservations with regard to honest mistakes being punished as violations. Vote 17-0.

HB 300, establishing a committee to study the procedural and processing requirements which the current use laws place on municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Scanlan for Environment and Agriculture: The Committee is sympathetic to the concerns of the bill's sponsor. Recent legislation and rules changes in the current use program have resulted in a one-time increased work load for some municipalities. Further consideration of this bill would be more appropriate after the dust from recent changes has a chance to settle. Vote 18-0.

HB 254-FN, relative to the authority of the state treasurer to void state checks and relative to increasing the fee for checks returned to the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. John J. Sytek for Executive Departments and Administration: This bill declares state checks void if not cashed within two years. (If such a check should happen to be discovered after two years, it could still be made good by Governor and Council). This bill both saves the Treasurer the bookkeeping cost and the nuisance of carrying checks not likely to be cashed and returns the money to the source sooner. This bill also increases the fee the state may charge for returned checks to \$25, which more accurately reflects the cost to the state of handling these returned checks. Vote 14-0.

Amendment (1108B)

Amend the bill by replacing sections 1 and 2 with the following:

1 Time for Voiding Checks by State Treasurer. Amend RSA 6:10-a to read as follows:

6:10-a Checks to be Void. The state treasurer is authorized and directed to cancel of record, and refuse to honor, all state checks, except those drawn on special funds created under RSA 282-A, which have not been presented for payment within [6] 2 years from the date of issue.

2 Fee for Returned Checks Increased. Amend RSA 6:11-a, I to read as follows:

I. Any check, draft or money order received by any state department or institution for the payment of a fee, license or product which is returned to the state department or institution as uncollectable may be returned to the sender and not deposited with the state treasurer. Whenever any check, draft or money order issued in payment of any fee or for any other purpose is returned to any state department or institution as uncollectable, the department or institution [shall] *may* charge a fee of [\$10], \$25 or 5 percent of the face amount of the check, whichever is the greater, plus all protest and bank fees, in addition to the amount of the check, draft or money order to the person presenting the check, draft or money order to the department or institution to cover the costs of collection.

AMENDED ANALYSIS

This bill:

(1) Changes the time for voiding state checks which have not been presented for payment from 6 to 2 years.

(2) Increases the fee for checks returned to the state from \$10 to \$25, and makes the charging of the fee by a department optional rather than mandatory.

HB 255-A, relative to interest rates on short-term borrowing by the state treasurer. OUGHT TO PASS

Rep. Gerald O. Gosselin for Executive Departments and Administration: A sub-committee was formed to look into this bill, along with four others having to do with the Department of Treasury. This is a housekeeping bill which is needed to facilitate and undo unnecessary delay under the direction of Governor and Council. This would bring this law into conformity with companion sections. Vote 14-0.

HB 468-FN, reorganizing the department of health and human services. INEXPEDIENT TO LEGISLATE Rep. Kathleen W. Ward for Executive Departments and Administration: This bill was sponsored by Rep. Warburton who requested the committee report it Inexpedient to Legislate. Vote 12-0.

HB 112-FN, extending public assistance granted to needy and dependent children to otherwise eligible parents or needy caretaker relatives and changing a reference from human services to children and youth services. OUGHT TO PASS

Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs: This bill was submitted at the request of the Division of Human Services to make technical corrections in the statute covering current practices for recipients of the Department of Children and Youth Services grants. The second change established the Department of Children and Youth Services as the correct overseer of foster care services. Vote 13-0.

HJR 1, supporting the improvement of primary health care delivery. OUGHT TO PASS

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The Committee has endorsed unhesitatingly this joint resolution supporting the work of the Primary Care Task Force of the Division of Public Health. This activity already has commenced towards the final realization of an all-encompassing primary preventative health care for all New Hampshire citizens. Vote 14-0.

HB 274, limiting the liability of the state or any political subdivision when there is property damage or personal injury on or near a beach and the beach is clearly marked closed. INEXPEDIENT TO LEGISLATE

Rep. Peter H. Burling for Judiciary: In light of the fact that there is in place a well-developed statutory scheme governing the liability of landowners, the committee could not support this proposed change in the law. Vote 18-0.

HB 309, prohibiting service-connected disability payments from being used in the calculation of alimony. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Moore for Judiciary: The Committee felt that HB 309 was not needed as there is a federal statute which already deals with exemption of disability payments. Any state interference would only make matters more unclear. Vote 17-0.

HB 343, relative to an engineer's good samaritan act. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth D. Lown for Judiciary: Testimony was that this bill, related to the good samaritan law covering engineers, is covered adequately, RSA 508:17, which addresses the issue of volunteer immunity. Vote 17-0.

HB 480, limiting the liability of landowners who allow their land to be used for outdoor recreational or educational purposes. **RE-REFER TO COMMITTEE**

Rep. Peter H. Burling for Judiciary: This legislation was brought by the sponsor as a result of committee work over this past summer. At the hearing, new information was brought forward which suggest we should work a little more. The sponsor moved re-refer, and asked the Committee for its support. Vote 16-0.

HBI 1, relating to wiretapping and eavesdropping. **RE-REFER TO COMMITTEE**

Rep. Alice B. Record for Judiciary: This bill was before the Judiciary committee last session. The committee felt at that time that it was too burdensome and complex and with time being of the essence wouldn't have time to do the bill justice. Therefore, Rep. R. Campbell offered to take the bill and study and work on same for the summer, coming in with a 32-page text, which so impressed the committee they voted unanimously for re-referral to bring this bill to a final satisfactory conclusion. Vote 18-0.

HB 298-L, authorizing bonding by the town of North Hampton. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert M. Fesh for Municipal and County Government: HB 298 allows the Town of North Hampton to bond \$2.7 million to cover the town's deficit resulting from its fiscal year change. It requires a two-thirds vote of the voters and must be approved by DRA and Bond Counsel. It will not be included in the town's debt limit. Bonding authority lapses if not exercised by the close of Town Meeting, 1994. Vote 17-0.

Amendment (1102B)

Amend the bill by replacing all after the enacting clause with the following:

1 Bonding Authorized. The town of North Hampton which adopted the optional fiscal year in 1989, 93:1 is hereby authorized to borrow upon the credit of the town an amount not exceeding \$2,700,000, approximately half of its expected net tax commitment for the July 1, 1993 to June 30, 1994, so that the town may shift its property tax billing cycle to reflect a final billing in December. Notwithstanding RSA 33:3 and only for the purposes of this act, the town, after meeting the requirements of RSA 33:8 and 33:8-a, may issue bonds and notes on behalf of the town. The bonds issued shall be for a period not longer than 15 years. The debt incurred pursuant to this legislation shall not be included in the debt limit of the town, but shall be treated as though incurred under RSA 31:94-d.

2 Duration of Authority. The bonding authority under section 1 shall lapse if not exercised by the North Hampton town meeting before the close of the 1994 North Hampton annual town meeting.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the town of North Hampton to bond no more than \$2,700,000 to allow the town to meet its tax commitment for the fiscal year ending June 30, 1994.

HB 304, increasing the allowable income levels for the adjustable and optional elderly exemptions. **INEXPEDIENT TO LEGISLATE**

Rep. Marian E. Lovejoy for Municipal and County Government: Although income levels set for elderly exemptions seem to many to be outdated, the minor change suggested by this bill does not seem to update it sufficiently. Another bill in committee would set income levels as local option and the committee prefers that. Vote 17-0.

HB 350, authorizing municipalities and the public utilities commission to regulate cable television rates to the extent that federal law permits. RE-REFER TO COMMITTEE

Rep. Richard L. Cogswell for Science, Technology and Energy: The Federal Communications Commission is currently developing rules for regulating rates charged by the cable TV industry. Rules are scheduled to be published by April 3. This bill is being re-referred until the rules are in place and local rules can be determined. Vote 11-0.

HB 403, prohibiting cable television companies from charging for more than one cable connection per residence. RE-REFER TO COMMITTEE

Rep. Richard L. Cogswell for Science, Technology and Energy: Due to the impending action by the Federal Communications Commission regarding the issue regulating multiple connections per residence by a cable television company, the committee voted 11 to 0 to re-refer HB 403 until such time as the Federal Communications Commission promulgates rules. The action by the FCC is expected by April 1993. Vote 11-0.

HB 479, establishing a study committee to recommend regulations applicable to wrecker operators. INEXPEDIENT TO LEGISLATE

Rep. George N. Katsakiores for Transportation: The intent of the bill was not clear to the committee. The committee will study wrecker operations and will report its recommendations for legislation if such is required. Vote 13-0.

HB 109-FN, increasing certain fees and making technical corrections in the tobacco tax and timber tax. OUGHT TO PASS

Rep. Donald P. Pageotte for Ways and Means: This bill was requested by the Department of Revenue Administration to allow the Commissioner to issue licenses for two years instead of one year, and repeal RSA 21-J:8,I(c) relative to collection of the timber severance tax for unincorporated towns and unorganized places. Vote 14-0.

REGULAR CALENDAR

HB 272, requiring a balanced state budget. INEXPEDIENT TO LEGISLATE

Rep. Stacey W. Cole for Appropriations: After thorough discussion, that included several proposed amendments, the committee voted this bill Inexpedient to Legislate. This bill raised technical questions concerning federal funds and bonding issues. Historically, legislative budgets have been in balance based upon legislative income projections. The majority believed that this bill would not be an improvement over historical precedent. Vote 18-3.

Adopted.

HB 212, relative to voter registration on election day at polling places. INEXPEDIENT TO LEGISLATE

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The Committee respected the concept of the bill but decided that implementing this proposal would cause confusion at the polling places and extra work for the supervisors of the checklist on election day. The bill would also leave the election process vulnerable to abuses by making it difficult to verify an applicant's residency and virtually impossible to investigate challenges to that applicant's residency prior to the applicant casting his or her ballot in that election. Vote 15-2.

Adopted.

HB 335, relative to listing the names of candidates on ballots used in voting machines. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary R. Gilmore for the Majority of Constitutional and Statutory Revision: In the last primary, Nashua was forced to use a paper ballot because of space limitations with its voting machines. This caused unnecessary expense and apparently led to errors in tallying votes. HB 335 would allow Nashua to utilize its voting machines in a fair and equitable manner. Vote 14-5.

Rep. Randall F. Shaw for the Minority of Constitutional and Statutory Revision: The Minority's position is that RSA 656:44 should not be changed. RSA 656:41 and 42 permits the Ballot Commission to authorize a second row when requested. The requirement for listing all candidates for an office on the same row is important and exceptions should only be allowed by the Ballot Commission on a case by case basis.

Rep. Warburton spoke against the majority report.
Adopted and ordered to third reading.

HB 497, allowing towns and school districts to use the official ballot for any issue before the voters. RE-REFER TO COMMITTEE

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The Committee had many problems with the language of this bill but believes there is enough merit in the spirit of the proposal to warrant further study. Vote 17-1.

Adopted.

HB 214-FN-A, relative to results of toxicology tests and the salary of the forensic toxicologist and making an appropriation therefor. OUGHT TO PASS

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill allows for the state forensic toxicologist to continue in this important role by statutorily creating the position. It also provides for procedures to be followed relative to test results and court appearances. The Fiscal Note calls for state expenditures of \$3,050 for the biennium ending June 30, 1995. Vote 16-0.

Adopted and referred to Appropriations.

HB 105-FN, removing the requirement that the state inspect meat by making the agriculture commissioner's authority in such matters discretionary. OUGHT TO PASS

Rep. Richard O. Wasson for Environment and Agriculture: The Committee recommendation is based upon the fact that such inspections are being performed by the federal government and that such inspections at the state level would be a duplication of effort. Also in consideration of a provision that any curtailment of such inspections by the federal government would give rise to a corresponding reinstatement of state inspections at the discretion of the Commissioner of Agriculture. Vote 13-0.

Adopted and ordered to third reading.

HB 106-FN, removing the requirement that the state vaccinate bovines against brucellosis. OUGHT TO PASS

Rep. Daniel M. Burnham for Environment and Agriculture: This bill allows the state veterinarian to halt the unnecessary practice of vaccinating New Hampshire milk herds against brucellosis. This disease no longer affects the state's herds. Moreover, modern processing of milk reduces the possibility of brucellosis showing up in milk. However, herd owners can still have private veterinarians vaccinate their herds. Vote 11-1.

Adopted and ordered to third reading.

HB 402, encouraging the composting of food wastes and recycling of construction and demolition debris. OUGHT TO PASS

Rep. William R. Hauck for Environment and Agriculture: A primary reason for supporting this bill is the fact that it will greatly reduce the volume of solid waste, particularly of construction debris and demolition material and at the same time will produce products for recycling. Vote 15-0. Adopted and ordered to third reading.

HR 11, encouraging an expenditure by the house of representatives to allow the house to participate in a current use survey conducted by the university of New Hampshire. OUGHT TO PASS

Rep. David M. Scanlan for Environment and Agriculture: This resolution encourages the Speaker of the House to spend up to \$1,000 on behalf of the Legislature to participate in a random survey of current-use landowners to be conducted by the University of New Hampshire in cooperation with the New Hampshire Timberland Owners Association, S.P.A.C.E., the Society for the Protection of New Hampshire Forests, New Hampshire Municipal Association, New Hampshire Wildlife Federation, New Hampshire Fish and Game Commission, and the New Hampshire Farm Bureau. This survey will provide important information relative to the attitudes, personal profiles and demographics of current use landowners that simply does not exist at the present time. It is hoped that this survey will help foster objective and informed debate on current use issues. Vote 18-0.

Adopted and ordered to third reading.

HB 245-FN, permitting the state treasurer to appoint 2 assistant state treasurers. **OUGHT TO PASS**

Rep. John J. Sytek for Executive Departments and Administration: This bill authorizes the Treasurer to appoint a second assistant Treasurer. Several factors such as federal reporting mandates imposed by the Tax Reform Act and the Cash Management Improvement Act have increased the responsibilities of the State Treasurer. In addition, an external auditor has noted that increasing work loads are leading to problems in the reconciliation of the state's bank accounts. The Treasurer intends to convert a full-time temporary position to Assistant Treasurer. We should address this problem; it is addressing us. The Fiscal Note calls for state expenditures of \$38,768 in FY 1994 and \$41,682 in FY 1995. Vote 13-1.

Adopted and referred to Appropriations.

HB 263-FN, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen W. Ward for Executive Departments and Administration: This subject matter is included in HB 262, which the committee has recommended Ought to Pass with Amendment. Vote 13-1.

Adopted.

HB 469-A, allowing the state treasurer to issue bonds to pay for debt issuance costs. **OUGHT TO PASS**

Rep. Ray F. Langer for Executive Departments and Administration: This bill authorizes the treasurer to issue bonds up to 102% of the face value of the bond to enable payment of the issuance costs from the additional amount, rather than reduce the face value of the bond by deducting the issuance cost from that value. The Fiscal Note calls for state expenditures of \$21,320 in FY 1994 and \$82,040 in FY 1995. Vote 14-0.

Adopted and referred to Appropriations.

HB 185-FN, increasing the amount a deputy sheriff is paid when employed as a bailiff. **INEXPEDIENT TO LEGISLATE**

Rep. Edward M. Gordon for Judiciary: This bill substantially increases state expenditures without providing compensating revenues. The committee does not believe that an increase is appropriate at this time. Vote 14-4.

Adopted.

HB 338, limiting liability of landowners who, without charge, allow their land to be used for fire, rescue or emergency training. **INEXPEDIENT TO LEGISLATE**

Rep. Nick Hart for Judiciary: Testimony was given to our committee that this bill is not necessary because it is already covered under present laws and statutes. Vote 17-0.

Adopted.

SUSPENSION OF RULES

Reps. Michael Hill and Trombly moved that the Rules be so far suspended as to permit consideration at the present time of **HR 13**, urging the Federal Communications Commission to enact regulations to preclude cable television companies from charging for more than one cable connection per residence.

Adopted by the necessary two-thirds.

HR 13, urging the Federal Communications Commission to enact regulations to preclude cable television companies from charging for more than one cable connection per residence. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clifton C. Below for Science, Technology and Energy: This House resolution urges the F.C.C. to enact proposed regulations to preclude cable operators from charging for more than one cable connection per residence. The F.C.C. comment period on these proposed regulations ends on February 11, 1993. This resolution also asks the General Court to refrain from enacting legislation on this matter until F.C.C. rules are finalized. Vote 10-0.

Amendment (1275B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

urging the Federal Communications Commission to enact regulations to preclude cable television operators from charging for more than one cable connection per residence.

Amend the resolution by replacing all after the title with the following:

Whereas, the Federal Communications Commission is currently working on regulations to preclude cable television operators from charging for more than one cable connection per residence; and

Whereas, the Commission should establish rates for the installation and monthly use of cable connections based upon the actual cost; and

Whereas, cable operators should be required to use the same cost methodology which they use for the installation of other cable equipment to calculate the rates for installation of connections for additional receivers; and

Whereas, if additional connections are installed at the same time that a subscriber's initial service is installed, cable operators should recover only the incremental cost of the additional installation; and

Whereas, the costs of cabling used for additional connections should be recovered through one-time charges or charges that will end when the operator has recovered those costs; and

Whereas, the New Hampshire house of representatives currently has legislation pending to preclude cable operators from charging for more than one cable connection per residence; now, therefore, be it Resolved by the House of Representatives;

That the New Hampshire house of representatives hereby urges the Federal Communications Commission to enact regulations to preclude cable television operators from charging for more than one cable connection per residence unless the cable operators can justify additional incremental costs directly associated with providing additional connections; and

That the general court of New Hampshire should refrain from enacting legislation on the costs of cable connections until such time as the federal regulations are in place, so that the general court can enact legislation that reflects the changes in the federal law; and

That copies of this resolution, signed by the speaker of the house be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairperson of the Federal Communications Commission and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This house resolution urges the Federal Communications Commission to enact regulations to preclude cable television operators from charging for more than one cable connection per residence.

Adopted.

Rep. Rodeschin spoke in favor.

Report adopted and ordered to third reading.

HB 375, allowing surviving spouses to retain POW plates. **INEXPEDIENT TO LEGISLATE**
Rep. Thaddeus E. Klemarczyk for Transportation: The committee has agreed that any prisoner of war, having gone through the ordeal of denial, confinement and anxiety, should be the only person privileged to register POW plates. Vote 14-2.

Adopted.

HB 528, relative to the payment of taxes by electronic funds transfer. **OUGHT TO PASS**
Rep. Douglass P. Teschner for Ways and Means: This bill authorizes the Department of Revenue Administration to require a taxpayer to pay taxes by electronic funds transfer if the taxpayer had a tax liability of \$100,000 or more in a prior tax year. This bill will improve the state's cash flow and reduce the massive amount of paperwork that the Department of Revenue Administration must process. Vote 15-0.

Adopted and ordered to third reading.

HB 621-FN-A, relative to the threshold for filing under the business profits tax. **OUGHT TO PASS**

Rep. Jennifer G. Soldati for Ways and Means: This bill increases (from \$12,000 to \$50,000) the gross income threshold for businesses required to file under the business profits tax. Currently, all businesses with gross income of \$12,000 must file a return. The Department of Revenue Administration has reported that, generally, businesses grossing less than \$50,000 do not pay any business profits tax and that lost revenues of approximately \$20,000 minimally affects the general fund. Additionally, this change would save unnecessary paper shuffling for New Hampshire's small business community as well as the Department. Given the time and human resources required to handle and process these forms, the small amount of revenue collected, and the nuisance to small business, the Committee unanimously recommends raising the filing threshold to \$50,000. Vote 18-0.

Adopted and ordered to third reading.

HB 294, clarifying municipal liability relative to salting highways. **INEXPEDIENT TO LEGISLATE**

Rep. Alice B. Record for Judiciary: After much review, the committee was convinced that the existing statute provides sufficient protection for municipalities which adopt low salting highway programs. We were particularly impressed by the argument that amending a general rule of law by inserting a specific example might diminish the protection afforded by the general rule. Vote 17-0.

Adopted.

Reps. Record and Burling yielded to questions.

REMARKS

Rep. Kurk moved that the questions and answers relative to HB 294 be printed in the Journal.

Adopted.

Rep. Kurk: Rep. Record, is it the Committee's view that the bill is unnecessary because RSA 231:92-A already exempts municipalities from liability arising from road hazards due to a no-salt policy?

Rep. Record: Rep. Kurk, this is true. I do think further explanation of this should come from the Rep. Peter Burling.

Speaker: Rep. Record yields to Rep. Burling.

Rep. Burling: Thank you Mr. Speaker. As a co-sponsor of this bill, you'll notice that my vote wound up in favor of killing it. I want to explain to my other co-sponsor and fellow member that we did this because we had an extremely helpful committee session. All of the testimony was to the effect that the current statute protects any city or town which adopts a reduced-salt program in the salting of its highways. There was unequivocal testimony in support of that proposition. There was, from some of the witnesses, frank incredulity that anybody had suggested that it was otherwise. There was another very important concept brought before us. That was that we are dealing with a statute that says as a general rule any properly adopted low-salt policy will protect the municipality by fact of its adoption from suits arising out of the lowered salt application. One of the things that was pointed out is that the statute creates a general rule. When you begin to amend the statute by putting in specifics, each specific situation you add may raise questions about other things that the general rule would cover. So, as a rule of statutory construction, we were begged by those in the know not to change the existing statute. They felt it adequately protected the municipalities. In the face of all that evidence, I folded my tent and joined the majority.

Speaker: Does the member yield to a further question?

Rep. Kurk: Rep. Burling, the statute does not mention salt. In your answer you said low salt. Is it your understanding that this also covers a decision by the municipality to use no salt.

Rep. Burling: Yes. I want to apologize. I did get my words mixed there. The statute is expressive of a general rule. Low salt and no salt are both covered. Clearly, there is a societal policy to protect the state's waters in certain circumstances and municipal water supplies. If a town decides we're not putting salt on our highways because it will either mess up the water or do some other damage, that is a protected decision under the existing statute.

REGULAR CALENDAR (Cont'd.)

HB 219, requiring towns to grant a \$1,400 property tax credit to veterans with a service-connected total disability or their surviving spouses. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: This bill would mandate a \$1,400 tax credit to every veteran with a service-connected disability. Statute already allows any municipality to choose this option if it so wishes. The committee prefers to allow this to be a local option. Vote 16-0.

Rep. Vaughn moved to recommit to committee, spoke to his motion and withdrew his motion. Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 11, 1993 at 1:00 p.m..

Adopted.

LATE SESSION**Third reading and final passage**

HB 230, creating a committee to study the allocation of interest resulting from pooled state funds.

HB 336, relative to voter registration in cities.

HB 254-FN, relative to the authority of the state treasurer to void state checks and relative to increasing the fee for checks returned to the state.

HB 255-A, relative to interest rates on short-term borrowing by the state treasurer.

HB 112-FN, extending public assistance granted to needy and dependent children to otherwise eligible parents or needy caretaker relatives and changing a reference from human services to children and youth services.

HJR 1, supporting the improvement of primary health care delivery.

HB 298-L, authorizing bonding by the town of North Hampton.

HB 109-FN, increasing certain fees and making technical corrections in the tobacco tax and timber tax.

HB 335, relative to listing the names of candidates on ballots used in voting machines.

HB 105-FN, removing the requirement that the state inspect meat by making the agriculture commissioner's authority in such matters discretionary.

HB 106-FN, removing the requirement that the state vaccinate bovines against brucellosis.

HB 402, encouraging the composting of food wastes and recycling of construction and demolition debris.

HR 11, encouraging an expenditure by the house of representatives to allow the house to participate in a current use survey conducted by the university of New Hampshire.

HR 13, urging the Federal Communications Commission to enact regulations to preclude cable television operators from charging for more than one cable connection per residence.

HB 528, relative to the payment of taxes by electronic funds transfer.

HB 621-FN-A, relative to the threshold for filing under the business profits tax.

UNANIMOUS CONSENT

Rep. Stacey Cole addressed the House.

Rep. Trombly addressed the House by Unanimous Consent.

Rep. Michael Hill moved that Rep. Trombly's be printed in the Journal.

Adopted.

Rep. Trombly: Mr. Speaker and friends, I rise on a very serious note. I think we would be remiss as public servants not to acknowledge the recent passing of Supreme Court Justice Thurgood Marshall. He was a man committed to protecting the rights of everyone and dedicated to the belief that the small voices in society, whether they speak with a whisper or with a cry, be

acknowledged and that everyone is truly created equal, with no criteria applied for whatever motive. Thurgood Marshall left us. He left us richer than the life he enjoyed, dedicated to ending the discrimination against him and his family. I think that as we proceed this session and on into next year, we should remember, perhaps, that it doesn't take much to be a good servant for the people, just dedication to the ideals that everyone is created equally. Thank you Mr. Speaker.

Speaker Burns: The Chair would like to ask that we have a moment of silence in honor of the late Justice. Amen.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 2:10 p.m.

RECESS
(Speaker Burns in the Chair)
RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Jasper offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 686, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL
First, second reading and referral

HB 686, relative to legislative review of proposed administrative rules. (Mercer, Hills/27; Boucher, Rock/29; Copenhaver, Graf/10; Dyer, Hills/8; Jasper, Hills/23; Currier, Dist/7; Hollingworth, Dist/23; J. King, Dist/18; W. King, Dist/2; Roberge, Dist/9, to Legislative Administration)

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 6

Thursday, February 11, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of great compassion, Whose energy is boundless and Whose mercy extends to all, grant that we may support and encourage one another without distinction, such that our work together may enrich and make more joyful the lives of those whom we serve. Amen.

Rep. Champagne led the Pledge of Allegiance.

Rep. Ann Torr offered the following:

RESOLUTION

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet in Joint Convention for the purpose of receiving a Budget Message by Governor Stephen Merrill.

Adopted.

LEAVES OF ABSENCE

Reps. Richard Soucy, Laroche, Ahlgren, Bucu, Mason, Fesh and MacDonald, the day, illness.

Reps. Gross, Smart, Dykstra, L'Heureux, Hauck, French, Bartlett, David Holt, Weeks, Hanselman, Asselin, Dyer, Soldati, Hashem and Harwell, the day, important business.

Rep. Charles Cote, the day, illness in the family.

INTRODUCTION OF GUESTS

Former Rep. John McCarthy, guest of Speaker Burns and Rep. Malcolm. Former Representative Elizabeth Hager, guest of Rep. Channing Brown. Michael Trelfa, grandson of Rep. Trelfa. Viva Nehring, wife of Rep. Nehring. Lee Hurst, husband of Rep. Hurst. Winnacunnet High School students, guests of the Seabrook, Hampton and North Hampton delegations. Danny Romaine and Kadie Otto, guests of Rep. Dow. Jack Dowd, husband of Rep. Dowd.

COMMUNICATION

February 10, 1993

James Chandler, House Clerk

This is to advise you that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Merrimack 12 (Allentown, Pembroke) Maurice Regan, d, Pembroke (717 Borough Road) 03275

William M. Gardner, Secretary of State

COMMITTEE ASSIGNMENT

Rep. Maurice Regan was assigned to the Committee on Transportation.

SENATE MESSAGE**CONCURRENCE**

HCR 11, relative to the Portsmouth Naval Shipyard.

VACATES

Rep. Lown moved that the House vacate the reference of **HB 682**, reducing the number of peremptory challenges to jurors available to both prosecutors and defense in a trial for murder in the first degree, to the Committee on Judiciary.

Adopted and referred to the Committee on Corrections and Criminal Justice.

Rep. Kidder moved that the House vacate the reference of **HB 608-FN-L**, relative to a private property protection act, to the Committee on Executive Departments and Administration.

Adopted and referred to the Committee on Municipal and County Government.

EXTENSIONS

The Committee on Children, Youth and Juvenile Justice requested a 21-calendar-day extension on **HB 437-FN**, requiring parents involved with child custody or support issues to participate in certain seminars.

Granted.

The Committee on Commerce, Small Business and Consumer Affairs requested 21-calendar-day extensions on:

HB 197, relative to insurance fraud.

HB 316, relative to assessments by the joint underwriters association.

HB 322, requiring the insurance department in cooperation with insurers to define the term "usual and customary".

HB 329, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens.

HB 340, relative to technical changes in the small employer insurance law.

HB 341, relative to a small employer insurance availability act.

HB 348, standardizing forms used by insurance companies for medical benefits.

HB 358, allowing the creation of or participation in professional corporations by physician assistants.

HB 382, changing the annual rate of interest on judgments and business transactions.

HB 392, relative to merchants' refund policies.

HB 394, relative to discrimination in automobile insurance policies.

HB 399, modifying a certain portion of the blue laws regarding Sunday business activity.

HB 442-FN, creating the New Hampshire trade port commission.

HB 457, making fee splitting or accepting fees for referrals grounds for suspension or revocation of a pharmacy license.

HB 474, prohibiting automobile insurers from requiring coverage for an insured automobile for persons in the insured's household under age 25, if the person under age 25 does not drive the insured automobile.

HB 496, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation.

HB 526, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists.

HB 529, requiring certain billing procedures for custodial fees on IRA accounts.

HB 544, relative to telephone solicitation.

HB 546, relative to general contractors bidding for construction work.

HB 552, prohibiting insurance companies from refusing to insure pre-existing conditions.

Granted.

The Committee on Commerce, Small Business and Consumer Affairs requested 14-calendar-day extensions on:

HB 602-FN, extending the length of time before a savings deposit may escheat to the state.

HB 630-FN, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.

HB 663-FN, making technical corrections to the securities laws.

HB 672-FN-A, establishing a healthy kids corporation and making an appropriation therefor and continually appropriating a special fund.

Granted.

The Committee on Constitutional and Statutory Revision requested a 21-calendar-day extension on:

CACR 1, relating to establishing a constitutional revenue stabilization fund.

CACR 3, relating to mandated programs.

CACR 4, relating to requiring that the attorney general be elected by the legislature.

CACR 5, relating to the election of judges.

CACR 6, relating to term limits for state and county offices.

CACR 7, relating to establishing a statewide referendum procedure for the repeal of state statutes.

CACR 8, relating to broad base, sales and income taxes.

CACR 9, relating to a 4-year term for the office of governor.

CACR 10, relating to the governor's veto power.

CACR 11, relating to summary incarceration in criminal contempt cases.

HB 145, allowing voters in towns to petition to extend the hours of polling.

HB 380, relative to the voting procedure at primary elections for registered members of political parties.

HB 393, relative to duties of supervisors of a checklist.

HB 404, relative to reporting requirements for political committees.

HB 411, relative to the hours of polling in cities and towns.

HB 420, relative to the instructions to voters on ballots.

HB 430-FN, establishing a recall procedure for elected state and local public officials.

HB 449, relative to listing candidates on general election ballots.

HB 510, relative to certificate of election blanks and write-in votes, establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions, and the repeal of RSA 108-A.

HB 520, eliminating straight ticket voting on the ballot.

Granted.

The Committee on Constitutional and Statutory Revision requested a 14-calendar-day extension on **CACR 12**, relating to citizen-proposed legislation, constitutional amendments and statutory provisions.

Granted.

The Committee on Corrections and Criminal Justice requested 21-calendar-day extensions on:

HB 129, relative to possession of scanners when committing a crime.

HB 173-FN, making the police standards and training council responsible for certification of corrections officers.

HB 215-FN, relative to extradition.

HB 267, establishing the crime of luring a minor.

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure.

HB 269-FN, extending the minimum period for driver's license revocation or suspension for drug offenses.

HB 456-FN, modifying the bail statutes relative to persons arrested for violating certain protective orders.

HB 476, establishing the crime of stalking.

HB 488, authorizing the commissioner of corrections to recommend a prisoner to the adult parole board if the prisoner has completed certain programs or treatment.

HB 537, requiring certain persons convicted of sexual offenses as a condition of parole to register as sex offenders.

HB 553, establishing a committee to study alternative sentencing.

HB 565, prohibiting hazing.

Granted.

The Committee on Education requested 21-calendar-day extensions on:

HB 168, transferring the rulemaking authority from the board of education to the commissioner of education.

HB 175, revising the distribution of sweepstakes moneys.

HB 193-FN, changing the school foundation aid distribution formula.

HB 205-FN-A-L, relative to the statewide education assessment program and making an appropriation therefor.

HB 251, to redistribute sweepstake funds.

HB 308, establishing a committee to study the viability of SAUs, and whether a school district should vote on whether to belong to an SAU.

HB 385, enabling school districts to contract with private schools to provide for the education of at-risk students.

HB 532-FN, to redistribute foundation aid funds.

HB 558, requiring the board of education to submit its proposed rules to the standing legislative education committees for approval or objections.

HB 561, requiring that certain rules adopted by the board of education be approved by the education committees of the senate and the house.

Granted.

The Committee on Environment and Agriculture requested 21-calendar-day extensions on:

HB 119-FN, relative to the administration and enforcement of the pesticides statutes.

HB 134, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood.

HB 141-FN, modifying the acid deposition control program.

HB 271, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws.

HB 369, establishing a committee to study the issue of radon levels in the State of New Hampshire.

HB 494, establishing a joint committee on recodification of solid waste laws.

HB 555, relative to freshness dating on sandwiches.

HB 570-FN, imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use.

HBI 5, relating to the reduction, elimination and substitution of toxic substances.

HCR 8, encouraging Congress to increase the reimbursement rate to municipalities for government-owned land which could be in current use if privately owned.

HCR 13, urging the cities and towns of New Hampshire to adopt recycling programs.

Granted.

The Committee on Environment and Agriculture requested 14-calendar-day extensions on:

HB 622-FN, relative to solid waste management districts.

HB 674-FN, establishing an enhanced emissions inspection and maintenance program and establishing a study committee.

Granted.

The Committee on Environment and Agriculture requested a 7-calendar-day extension on **HB 676-FN**, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services.

Granted.

The Committee on Executive Departments and Administration requested 21-calendar-day extensions on:

HB 171-FN, changing procedures applicable to the board of registration in medicine.

HB 174-FN, relative to cost of living adjustments for members of the New Hampshire retirement system.

HB 178-FN, relative to the procedures of the board of examiners of psychology and mental health practice.

HB 196-FN, relative to the method for financing additional benefits for retirement system members.

HB 203-FN-A, authorizing the appropriation of funds to compensate the board of engineers for unforeseen expenses related to investigations and enforcement.

HB 261-FN, transferring ownership of the Seabrook Commercial fish Pier to the town of Seabrook.

HB 288, relative to teacher representation on the New Hampshire retirement system board of trustees.

HB 311, increasing the membership on the New Hampshire retirement system board of trustees.

HB 364, relative to the practice of architecture.

HB 414-FN, providing a 2-percent cost of living adjustment for permanent firemen members of the retirement system.

HB 433-FN, providing a cost of living adjustment for group I and group II retirement system members.

HB 439, relative to the profession of engineering.

HB 440-FN, providing a 2 percent cost of living adjustment for certain employee members of the retirement system and relative to when cost of living adjustments may be granted to retiree system members.

HB 519-FN, making technical changes in the mental health laws and relative to persons providing active care services.

Granted.

The Committee on Executive Departments and Administration requested a 14-calendar-day extension on **HB 624-FN**, creating a unit within the department of environmental services to certify certain scientists.

Granted.

The Committee on Health, Human Services and Elderly Affairs requested 21-calendar-day extensions on:

HB 427-FN, relative to cost-of-living increases in the AFDC standard of need.

HB 451-FN, regulating naturopathic health care practice.

HB 458-FN, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily.

Granted.

The Committee on Judiciary requested 21-calendar-day extensions on:

HB 407, making technical changes to the laws governing the courts.

HB 545, authorizing the state to enforce domestic violence protective orders issued in other states.

Granted.

The Committee on Labor, Industrial and Rehabilitative Services requested 21-calendar-day extensions on:

HB 146-FN, extending unemployment benefits to certain school employees between academic years.

HB 164, relative to premiums paid for workers' compensation.

HB 204-FN, relative to blood testing and counseling when wounds are received by employees at their places of employment.

HB 376, allowing nonprofit corporations to elect to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund on an annual basis.

HB 418, relative to costs of prevailing employees under the workers' compensation law.

HB 443, relative to the applicability of the state-federal unemployment compensation extended benefit program and relative to the status of the commissioner of the department of employment security as an interested party in cases in controversy at the administrative level.

HB 513, establishing a uniform employment termination act.

HB 516, eliminating the duty of a public employee labor organization to engage in collective bargaining on behalf of employees who elect not to join the organization.

Granted.

The Committee on Legislative Administration requested 21-calendar-day extensions on:

HB 387, relative to the use of gender neutral language in New Hampshire.

HB 507, requiring a super majority vote in certain matters of spending and taxation.

Granted.

The Committee on Legislative Administration requested a 14-calendar-day extension on **HB 633**, repealing inactive study committees.

Granted.

The Committee on Municipal and County Government requested 21-calendar-day extensions on:

HB 157-FN, restricting motor vehicle permit fee revenues collected by municipalities to highway expenditures.

HB 239, granting municipalities an option for quarterly billing and collection of property taxes.

HB 351, relative to the positions of town clerk, town treasurer, and tax collector and the terms for such positions.

HB 368, relative to the definition of "good cause" for the purpose of property tax abatements.

HB 478, allowing municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption.

HB 512-FN, prohibiting building inspectors from issuing building permits for construction on property on which there is an outstanding property tax balance.

HB 525, relative to city budgets for school districts.

HB 534, enabling municipalities to establish special tax districts.

HB 535, relative to the municipal optional fiscal year.

HB 536, expanding user fee opportunities in cities and towns.

HB 539, relative to certain actions not constituting an activity subjects to subdivision regulations.

HB 543, allowing municipalities to combine the offices of tax collector and treasurer.

HB 551, requiring voter approval for the issuance of all bonds in cities and town council government towns.

HB 568-FN, eliminating the cap on state guaranteed debt issued by towns and cities to close landfills.

Granted.

The Committee on Public Protection and Veterans Affairs requested 21-calendar-day extensions on:

HB 522, relative to the observance of Memorial Day.

HB 523, requiring emblems to assist firefighters to be placed on certain buildings.

HB 569-FN, relative to flammability testing of seating furniture manufactured for public buildings.

Granted.

The Committee on Public Works requested 21-calendar extensions on:

HB 249-FN-A, relative to a lease-purchase agreement between the city of Franklin and the state to construct a new district courthouse.

HB 257-FN, relative to the disposition of revenue received by the bureau of common carriers, department of safety.

Granted.

The Committee on Regulated Revenues requested 21-calendar-day extensions on:

HB 432-FN, authorizing the racing commission to license electronic games of chance only at pari-mutuel wagering race tracks.

HB 495, establishing a committee to study the feasibility of allowing casino gambling in the state of New Hampshire.

HB 573-FN, permitting, regulating and taxing video gambling machine use.

Granted.

The Committee on Resources, Recreation and Development requested 21-calendar-day extensions on:

HB 172-FN, relative to the oil discharge and disposal cleanup fund.

HB 253, designating a portion of funds collected under the oil pollution control fund to train and equip personnel in oil spill response.

HB 312, relative to protecting New Hampshire's heritage landmarks and establishing a review process.

HB 426-FN, allowing reimbursement for cleanup of leaks from above ground tanks.

HB 434-FN, relative to the assessment of the oil import license fee.

HB 502, relative to public trust water rights in New Hampshire.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users.

HB 559, relative to acquiring property by eminent domain and allowing a customer to terminate water service from a water utility and to drill a well.

Granted.

The Committee on Resources, Recreation and Development requested 14-calendar-day extensions on:

HB 577, allowing municipalities to regulate activities on the ice on great ponds.

HB 597-FN, exempting single family lots from the fee charged for septic system review.

Granted.

The Committee on State-Federal Relations requested 21-calendar-day extensions on:

HB 390, to limit the terms of office for the members of the United States Congress from New Hampshire.

HCR 12, calling for the repeal of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court.

Granted.

The Committee on Transportation requested 21-calendar-day extensions on:

HB 127-FN, relative to private lease of state railroad real estate.

HB 189, establishing a committee to study all the specially issued plates.

HB 210, limiting the use of off highway recreational vehicles near occupied residences.

HB 218-FN-A, relative to the driver training fund.

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers.

HB 265, imposing penalties for careless driving.

HB 315, to require the wearing of motorcycle protective headgear.

HB 352, requiring DWI offenders to supply a certified copy of their New Hampshire drivers license record at the time of enrollment into an impaired driver intervention program.

HB 362, requiring vehicle light use during any period windshield wipers are in operation.

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments.

HB 398, relative to driver education reciprocity.

HB 436-FN, requiring the division of motor vehicles to provide limited driving privileges to certain persons who have lost their privileges.

Granted.

The Committee on Transportation requested 14-calendar-day extensions on:

HB 581, relative to the use of an altered form of identification to purchase alcoholic beverages.

HB 586-FN, exempting certain OHRVs from registration fees.

HB 607-FN, relative to the plea-by-mail-program.

HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons.

HB 631, modifying administrative penalties to be paid to the director of safety services and deposited into the boat safety fund.

Granted.

The Committee on Wildlife and Marine Resources requested 21-calendar-day extensions on:

HB 103-FN, requiring 50 percent of moose licenses for each county to be allocated to county residents.

HB 115, repealing reporting requirements for fish or game propagation licensees; and limiting the time bob-houses may be on public property and adding a penalty for violations.

HB 139, relative to requirements for transportation of deer and official seals for fur-bearing animal skins.

HB 150, modifying the number of deer an archery licensee may be entitled to take.

HB 159, designating a portion of the OHRV registration fees for trail acquisition.

HB 211, requiring the department of fish and game to establish a sound process for the opening, closing and monitoring of shellfish waters.

HB 232, permitting a licensed trapper to check traps anytime.

HB 237, requiring sporting clubs to recommend members to the fish and game commission.

HB 264, relative to appointments to the fish and game commission.

Granted.

HB 527, relative to limiting the taking of deer in Rockingham county.

HB 538, decreasing the time within which wildlife may be taken.

Granted.

The Committee on Wildlife and Marine Resources requested a 14-calendar-day extension on **HB 575-FN**, prohibiting bear dog training.

Granted.

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing Governor Stephen Merrill deliver his Budget Message.

RECESS

JOINT CONVENTION

(Speaker Burns presiding)

Governor Stephen Merrill addressed the Joint Convention.

Mr. Speaker, Mr. President, members of the Joint Convention:

It is a great privilege for me to appear before this joint session of the Legislature and to present my biennial budget for the State of New Hampshire for 1994 and 1995.

Before I talk about my initiatives, my perspective on spending, and the specifics of the upcoming budget, let me take a moment to consider how far we have come.

The New England Region is just now beginning to emerge from the most prolonged economic recession since World War II. It is important to note that New Hampshire is poised to move forward economically because of its realistic tax structure and its frugal spending policies. Just consider the economies of the states around New England and ask yourselves which of you would trade places with those in our sister states? Many in this room should take credit for the restraints in government which now permit New Hampshire to recover economically.

In November of 1992, the citizens of this state exercised their precious right to vote. They said: we do not want a broad-based tax. I say in return to them, I have no intention of proposing a broad-based income tax or sales tax in this biennial budget.

Our citizens have asked us to perform a difficult task: Provide the same quality services from state programs without raising taxes and increasing the spending for those programs. I believe that their challenge, the challenge that the citizens have given to you and me, represents and establishes the working framework for all government in the next decade. More than any other single issue, whether or not you and I are successful at meeting the challenge of expanding services without raising taxes, will determine our effectiveness as elected officials.

New Hampshire knows how to manage government within available resources. This must be accomplished by running New Hampshire state government like a business. This will involve total quality management and it will involve giving our department heads the ability to run their agencies without micro-management, either from the Executive or from the Legislature. We must applaud the professionals who head our departments and agencies for their creativity and we must reward their initiative, management skills and resourcefulness.

It is sometimes difficult for the general public to accept that in times of economic recession, the business community tightens its collective belt and expects state government to do the same, but unfortunately at that very moment, in some areas that is a near impossibility. For, as the private sector contracts, demands in government expand. For example, costs associated with Aid for Families with Dependent Children, expanded Medicaid requirements, food stamps, costs associated with unemployment compensation and even our increasing prison population can affect and be affected by prolonged economic reversals.

Therefore, the citizens of New Hampshire must believe that we are properly managing state government in the good times, so they will believe and support our funding of programs in difficult times. This budget addresses those that are in real need and seeks to avoid costly litigation by earmarking and spending dollars wisely in areas of health and human services, corrections, educational initiatives, and prevention programs.

There are two considerations at the national level that we should keep in mind as we work on our budget. The President of the United States was a sitting Governor for 12 years and should bring to the White House a belief that states rather than the Federal Government should initiate many of the programs and policies to guide our citizens. It is a sad reality that our Federal Government has, in many respects, proved incapable of solving the problems of our citizens in a meaningful and timely manner. While this is distressing, it provides you and me with an opportunity to meet our citizens' needs and avoid inside-the-beltway gridlock.

Regardless about how you feel about family leave, that latest Congressional proposal applies to businesses throughout this country. It doesn't apply to the Congress of the United States. The Congress exempted itself just as it did from OSHA, sex discrimination and age discrimination, none of which apply to the Congress. We wonder why our citizens are upset. The Federal Government has declared that a number of initiatives will go forward in areas such as health care, economic stimulation, deficit reduction, and the trimming of state government. New Hampshire should not wait for such Federal initiatives. If, in fact, our State will be given greater latitude from the Federal government in developing its own destiny, then you and I should work as diligently as possible in this unusual window of opportunity to bring results to the citizens of New Hampshire. I promise to provide leadership in doing that.

For example, tomorrow I will address the House Appropriations Committee. I will unveil a new and innovative plan to deal with the soaring cost of workers' compensation in New Hampshire. This plan will address streamlining the appeals process, legal costs and medical costs. It also will determine the obligations of employers and the responsibilities of employees. It is an important first step in convincing the business community that we mean business.

Now let me share with you some of the specific aspects of my State Budget proposal and in doing so, I want to again commend the efforts of the talented people who run our departments and agencies who have been faced with creating a budget that will stem the undesired growth of government and provide greater services through efficiency and creativity.

You know that I did not prepare this budget alone. The co-chairs of this budget team were Doug Scamman, a former Speaker of the House, and Bill Bartlett, former Senate President. Ralph Brickett gave enormous help. So did two members of the private sector: Lee Harrington, a successful businessman, and John Riley, a successful CPA in Manchester. Don Hill and his staff also participated and so did Terry Morton.

I asked my budget group to work with me to create a budget without new taxes, but in fact to cut taxes and creatively use our available resources. We have met that goal, ladies and gentlemen. This budget will maintain our funding commitment to the towns and cities, plus an additional \$8 million from the Department of Transportation Highway Fund to address municipal bridges in need of replacement or repair. We have maintained the funding commitment for Foundation Aid. There is no reduction. Building Aid is fully funded as required. Catastrophic Aid is fully funded as required.

The total direct aid to the cities and towns in this budget is more than \$350 million, including the \$102 million in revenue sharing for the biennium.

In this present fiscal year, gross appropriations will be approximately \$758 million. In the first year of the next biennium, spending will be approximately \$789 million, followed by \$817 million for 1995. Where is that money going?

That money will be spent in ways that will improve the financial condition of New Hampshire while, at the same time, save the State money in the decades to come.

I have insisted that this budget stop the financially unsound practice of bonding current operating expenses.

This budget includes \$21 million for the biennium to pay for, not bond, local grants. It includes \$20 million more during the biennium to pay off general obligation debt service. These expenditures, plus expenditures in Health and Human Services and the Department of Corrections are the bulk of our additional spending.

The bonding of current expenses in an operating budget is a little bit like using your Mastercard to pay your Visa bill. The Treasurer has been warned by bond counsel and the financial rating agencies that for debt affordability New Hampshire should limit new bonding issues to \$80 million over the biennium. Rating agencies are watching New Hampshire's guarantees, even in the area of economic development where we must be focused and diligent in committing our state funds.

My concern with New Hampshire's indebtedness is that a lowering of our state's bond rating not only diminishes our financial strength, it costs us money in the sale of bonds and other debentures. That is not the way we are going. Similarly, a refusal to protect and preserve the Rainy Day Fund will indicate to financial markets with which the state does business that we are not sufficiently concerned about our economic future. Make no mistake, we did spend every available dollar in the Rainy Day Fund during this last recession. If our Rainy Day Fund had been larger we could have protected more New Hampshire citizens from the ravages of economic reversal.

Our Rainy Day Fund must be rebuilt and must be brought back to an annual basis. I further recommend that any surplus that is achieved in excess of the statutory Rainy Day Fund be distributed to cities and towns on a per capita basis to lower property taxes.

I must express my concern about the use of dedicated funds. Dedicated funds divert the flow of dollars from General Fund revenues into exclusive areas of spending; they destroy the ability of establishing priorities in state government; they weaken the flexibility of state government to respond to changing economic circumstances. Even worse, dedicated funds permit the influence of the few specifically concerned with that fund to influence the needs of the many. Finally, the use of such funds also removes that flow of funding from legislative and executive review for at least a two-year period.

As you will see in a few moments in my discussion of the capital budget, I am recommending capital projects well within the range established by the rating agencies. In addition, I do not believe we should pass legislation to create unfunded mandates on our cities and towns. Our cities and towns are doing an admirable job of working through enough problems without state unfunded mandates adding to that load.

As I indicated, we have added funding in the area of Health and Human Services where we believe great results can be demonstrated. In children's services and health care, funding levels have not only been protected, they have been enhanced. Settlement has been fully funded. In fact, we have added 15 additional positions to dramatically shorten case time and provide greater efficiency in the system. Children's health services and child care have been increased and all Medicaid services remain in place. But there is more.

One of the issues being discussed in the national debate about health care involves the ability to insure children, in an effort to minimize health care expenditures and provide greater medical care for those children. In the last session of the Legislature, Medicaid eligibility for pregnant women and infants up to the age of one was approved to 150 percent of the poverty level. I propose to expand that eligibility level to children up to age 9. This will result in substantially more New Hampshire children, previously uninsured, being able to access the substantial coverage provided by the Medicaid program.

This change allows us to greatly simplify the program administration and cut paperwork, replacing three categories of eligibility with one. It also increases the number of children served by well-child clinics that will now be Medicaid-eligible. The result of enhanced Federal participation will produce an opportunity to re-invest approximately \$175 thousand over the biennium in children's health services.

New Hampshire can now begin to move forward in restructuring primary care. Medicaid dollars combined with administrative savings and an annual budget increase of \$500 thousand in child health services proves that we are moving in the right direction and it proves that we believe that prevention is a key factor in containing health-care costs and giving children the opportunity to succeed. Funds will be provided to local communities to consolidate the functions of currently fragmented, single-service clinics and replace them with enhanced family-centered services.

These changes take a considerable stride forward for children who live in poverty in our state. However, there are 35,000 uninsured children in New Hampshire and we must begin to design programs to make insurance available for children who are without proper coverage. I plan to work with the Commissioner of Health and Human Services to identify legislation that will develop a school-based, low-cost health insurance product for children. To accomplish this objective, we must enlist the aid of the private sector. This should not be merely a state initiative. It is a good example of where New Hampshire and its public/private partnership can work; where the State will be able to steer while others row to provide the power to move this concept into reality.

Our state, and most other states, have been receiving considerable Medicaid dollars. This was in response to a plea by the National Governors Association, specifically from a Democrat and a Republican Governor. The Democrat was Bill Clinton of Arkansas and the Republican was Carol Campbell of South Carolina. They went to then-President Bush to address the problem of increased federal mandates requiring more Medicaid eligibility but no additional funding.

We must carefully scrutinize all of the Medicaid funds received in this state and assure ourselves that the money is being spent appropriately. We should also prepare future budgets with an eye toward a decreasing amount of Medicaid funding, so that our spending expectation level won't exceed reasonable or legitimate amounts.

Given all that, we might consider whether or not it is appropriate to belittle the use of such Federal dollars at the state level since the President of the United States clearly believes that the program provides options and opportunities at the state level that are entirely consistent with the proper roles between the Federal and state governments. He felt so strongly about it that he went to the White House to argue for those changes.

All this is happening in the area of health and human services, which will include the recent decision in Washington to give states more flexibility in obtaining federal waivers and in experimenting with cost-effective state programs. That will give us an opportunity to develop our own health-care agenda. I look forward to the opportunity to work with you in doing so.

I await all federal options which will allow New Hampshire to simplify program administration, to increase utilization of home and community-based care, and to lower health care costs for our businesses and for our families. Let the federal government debate the issue of health care, but let New Hampshire move forward to establish access to cost-effective, family-centered, primary and preventive care.

My long-standing interest in children's issues remains, but I must express concern that state and county costs for court-ordered settlement continues to rise. We must recognize that the increase in many millions of dollars has not resulted in many millions of success. We live in a society where the court system has replaced other forms of resolution and we continue to place in the courts responsibilities which can best be made by a family and the community. We must continue to develop plans for an alternative system for children which will be family and community based, and I have directed the Commissioner of Health & Human Services to report to me on ways that we can do just that.

We currently fund a Department of Corrections that sometimes reaps the harvest of failure from other systems in our society. We also are faced with Federal Court restrictions and obligations to provide for the increased prison population. It is difficult to attract businesses and families to a state with a troublesome record on crime or a troubled prison system. For that reason, the Corrections Department will realize an increase of 158 positions over the biennium. This will reduce the ratio of corrections officers to inmates from 5:1 to 4:1.

The population of the men's prison has increased more than 400 percent since 1980. Our prison in Concord has operated too often on the envelope of population and program availability. Yet, New Hampshire continues to have the largest percentage increase of inmates in the Northeast while maintaining the lowest per-inmate cost.

I commend the Commissioner and those working in corrections and I believe that credible sentencing means that we should be tough on violent or repeat offenders. New Hampshire must continue to be a state where crime and punishment go hand in hand, never one without the other. Since we have increased penalties over the last 10 years for a variety of crimes, we should now consider how long low-risk, non-violent offenders should serve in a prison system, and more importantly, how we can safely process their releases back into the community.

The citizens of New Hampshire recognize that education is the key to future jobs and future economic growth. In addition to maintaining education funding, I have funded the Student Improvement Program as well as funding student assessment to support initiatives by both the State Department of Education and the State Board of Education. We must continue the development of innovative programs to keep New Hampshire one of the most progressive states in American public school education. It doesn't matter if you and I believe that the public education system is fine. The citizens don't believe it. I am proud that we are developing and implementing student assessment testing for grades 3, 6 and 10, and that we are meeting our obligation to fund that testing and not requiring local communities to do so. This will assure proficiency in reading, math, science, history, geography and language arts.

I also am proud of the commitment of our Postsecondary Technical Education Department and this budget reflects a level of General Fund support which will allow an annual five to six percent increase in enrollment. While additional vocational and postsecondary funding commitments are made in the capital budget, it is important to note that our State has a postsecondary system that already is aimed toward the future. That future is customized vocational programs that will train those who are not employed and, for the future, it will re-train employees already working to prepare for the jobs in the 90s. That is on the cutting edge of what is happening in America.

Two areas of state government in this budget remain poised to assist New Hampshire as its economic strength returns. Our Department of Transportation is ready to implement expanded Federal programs that will mean more jobs for our citizens and an improved infrastructure. DOT is also receiving monies in this budget to ensure the continuation of the State's 10-year highway plan, without an increase in the fuel tax. Our state highway system will continue to be one of the finest in the nation and it will provide greater opportunities for new and expanding businesses in our state.

Similarly, the Department of Resources and Economic Development is given a continuing strong commitment for a focused funded effort for tourism and the promotion of this state. At the Pease International Trade Port, the state is continuing its commitment on international trade by providing General Funds for the operation of the International Trade Unit after the federal grant ends. This budget also continues its commitment to the state authority concerned with small business development by continued funding whereby each dollar will be matched on a 2:1 basis.

Governor Judd Gregg's request for 10 percent and five percent biennial reductions in agency budgets was a valuable management tool for departments and a valuable budgetary benchmark for our budget team. With it, we could establish defacto zero-based budgeting and it enabled us to find true needs and eliminate mere wishes and wants. The agencies and departments of state government cooperated with me to put together this budget consistent with harsh economic realities in which we live.

The Court system is exempt from complying with the Governor's budgetary request. I would recommend that the Legislature look carefully at the Court system and its requested funding. It is performing a significant task that continues to expand in our society and I merely ask that the Court spending request be held consistent with other parts of state government.

I regret to report to you that the Trustees of the University System of New Hampshire have informed me that they would not accept the amount of state funding, regardless of that amount. They rejected even the process of negotiation and discussion and they have asked for a 20 percent increase in state funding for the biennium.

Their judgment is that they do not need to conform to the negotiation process entered into by other parts of state government. I think that is unfortunate and mistaken. Their budgetary request for a 20 percent increase shows a fundamental disregard of the economic condition from which this state continues to suffer. The University System has just announced a 10.1 percent salary

increase for its employees and an 11 percent increase in tuition. As Governor of New Hampshire, I reside in the real world of financial realities; obviously, the University System Trustees do not. Since the Trustees refuse to engage in discussion, negotiation or debate, they leave me no alternative but to fund them in the next biennium at the same level as they received in fiscal year 1993.

Let me remind you that more than 50 percent of state government will be level-funded in this budget or less. Twelve hundred and five new positions were requested by 42 departments and a net of 115 were granted. Almost 75 percent of state departments will employ the same or fewer employees. But the University System believes that you will not ask it to submit to the same budgetary scrutiny and the same financial restraint that all others in this process undergo. For the sake of this process, for the sake of the taxpayers, and in the long run for the sake of the University System itself, I ask you to show them that they are mistaken.

With my great affection for the University System, I could be angry. I am not. I am saddened. How the Trustees of this fine system can believe that their time and energy which should be used showcasing the very best of its education product and how they can believe that their luster can be brightened by months of public wrangling and confrontation escapes me.

Let me assure you that this budget proves my belief that we can revise our current tax structure and meet our needs and do so without broad-based taxes.

For many months I have argued that our business profits tax can be revised to lower the rate, remove the loopholes, make the tax fair and help small businesses. I am proposing a business tax reform act which will change the business profits tax and the corporate franchise fee. This revision will cut the business profits tax rate from eight percent to seven percent and will repeal certain existing tax credits. The loss-carry-forward credit is not repealed. This proposal also will repeal the existing savings bank tax. It will repeal the current corporate franchise fee and replace it with a new provision.

My proposal will help small businesses and protect the "Mom and Pop" businesses because we are raising the filing of the tax itself from \$12,000 in gross receipts to \$50,000 in gross receipts. That means that 10,000 small businesses in New Hampshire will not even have to file. We will not lose revenue. We will aid the Department of Revenue Administration because those small companies rarely, if ever, pay a business profits tax but the Department of Revenue Administration must go through all of the forms and all of the paperwork adding to the burden on both sides.

This new provision will be based on the value of the following resources employed in a business: interest paid for debt, dividends paid to investors, and wages paid to employees. Any tax payment under this proposal will be a credit against the business profits tax.

My proposal will not raise taxes; it will be revenue neutral. Lowering the business profits tax will encourage businesses to enter our state and we will achieve fairness in its application both to the new businesses and to those that are already doing business in New Hampshire.

I know there is a history that temporary taxes are never temporary and that they are certainly never lowered. I propose lowering two of the three temporary taxes enacted. The real estate transfer tax will be cut from \$5.25 per thousand to \$5.00 per thousand. The telecommunications tax will be cut from 6 percent to 5.5 percent. These reductions are consistent with my belief that as revenues rise, New Hampshire should lower taxes to stimulate further economic growth and development as we move forward.

The third temporary tax, that on rooms and meals, is at the present time inextricably tied to the new Federal Medicaid program revisions. For that reason, lowering the tax would not only result in decreased revenue but in the loss of millions of dollars in available Medicaid funding which cannot be undertaken in this economic climate. But I'll consider lowering any taxes. I will put them all on the table to talk with you about as this economy improves. Let our business community prime the pump of economic growth and prosperity. For heavens sake let's not do what they are talking about doing in Washington, which is to applaud economic recovery with higher taxes.

In keeping with my concerns and the concerns of the rating agencies, I have proposed a modest capital budget. I recognize that it is more exciting to build a new building, but it is more cost effective to properly maintain the buildings that have been constructed with taxpayer money. For this reason, this budget contains a capital appropriation for the University System of New

Hampshire in the amount of \$8.1 million. This will provide for maintenance of buildings, ADA code compliance and infrastructure renovations. I will not permit their recalcitrance in the budget process to determine my ability to protect taxpayer dollars already invested in buildings on the campuses.

Similarly, Health and Human Services will receive the amount of \$9.9 million for renovations to the Brown Building. This will provide for consolidation of the entire Department of Health and Human Services at the central location on New Hampshire Hospital grounds. This should be done consistent with an overall plan for that facility and for the grounds themselves.

The Court system will receive an amount of \$5.6 million for construction of the Manchester District Court and \$4 million for handicapped access and asbestos removal in the Hillsborough County Courthouse in Manchester.

Activities within the Department of Environmental Services can be further expanded by matching Federal and State dollars. Let me give you two examples. In this budget, \$1.8 million for state funding will generate \$16.5 million in federal money for hazardous waste superfund clean-up. This budget has a further expenditure of \$5.7 million in the capital budget to generate \$28.6 million in Federal-State revolving loan funds for local cleanup of water and sewer systems.

In the Department of Postsecondary Education, we are providing \$2.3 million for customized training of industry employers to assist in economic development. These funds will upgrade laboratory equipment. They will computerize employee-training laboratories. The businesses that are doing business here and the businesses that are coming here will be impressed that we have prepared the way. Finally, within the Department of Safety our fire services will receive \$2.1 million for a Fire Standards and Training Services dormitory. The key to improved fire protection is the safety and education of firefighters. This fire services dormitory provides that necessary training component.

This budget, you will see, does not contain any amount for salary increases for State employees. Under the law, it should not. The State is currently engaged in negotiations with the State Employees Association and it has been previously ruled that comments might be construed as an interference with the negotiation process and budgetary amounts may be construed as interference with the negotiation process. I hope that these negotiations are successful and that the State reaches an acceptable agreement with the State Employees Association in the near future. I understand that an agreement may contain cost increases and we will provide for those within the constraints of my commitments to the voters of New Hampshire.

As you know the Nuclear Property Tax has been challenged by several New England States. A Special Master appointed by the Supreme Court has recommended a finding that the tax, as presently written, is unconstitutional, but that no interest on any refunded amounts be paid. In order to be conservative and comply with accounting regulations, I have adjusted Fiscal Year 93 amounts in the event that we do not prevail in the case or that this case is not advantageously settled for the State.

However, we are pursuing the case vigorously; if necessary, all the way to the Supreme Court. I am committed to a resolution of this case that will be favorable to New Hampshire. To that end, I remain willing to negotiate an acceptable settlement. To that end, I want to make clear, in the absence of a negotiated acceptable settlement, I will bring legislation to the General Court that will remove any question about the constitutionality of the tax, at a rate that assures no unfavorable effect on the State.

I recognize that I am not the first Governor to come before you and address the subject of a line item veto. But I hope I am the first Governor with my specific proposal. Only two states in the nation have a two-year term for Governor. Our Legislature is large and it produces many pieces of legislation affecting the budget. The overwhelming majority of department and agency heads are not coterminous with the Governor, meaning I did not appoint them and they'll probably be there long after I'm gone. For that reason, in my opinion, a line item veto is important.

But don't give it to me. Give it to the next Governor, the man or woman who chooses to run and express his or her philosophy to the voters and is chosen to be the Chief Executive of this \$2.2 billion-a-year enterprise. If you reserve the line item veto for the next Governor, you will still be performing an extremely valuable service to the people of New Hampshire.

The process that you and I have begun today must ultimately work for the benefit of the citizens of this State. I recognize that to achieve that end, the Executive and the Legislature must work together to accomplish our mutual goals. I assure you that this budget will provide a tax structure that will be even more beneficial to the citizens of our State. It will protect our environment, it will educate our children, it will keep New Hampshire a great State to live in, to work in and to raise a family. You have my commitment that I will work with you to achieve that end. Thank you very much.

Sen. Delahunty and Rep. Michael Hill moved that the Joint Convention arise.
Adopted.

The Joint Convention adjourned.

RECESS
(Rep. Michael Hill in the Chair)
COMMITTEE REPORTS
CONSENT CALENDAR

Rep. Hawkins moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 292, relative to a home care clients' bill of rights, was removed at the request of Rep. Trombly.

HB 236-FN, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system, was removed at the request of Rep. Betty Hall.

HB 319, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal, was removed at the request of Rep. Betty Hall.

HB 344-A, relative to a municipality's share of construction and repair of bridges and adding the Thompson bridge in Swanzy to the bridge reconstruction plan, was removed at the request of Rep. Perry.

Consent Calendar adopted.

HB 511, establishing a committee to study the cost effectiveness of family support services.
INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for Children, Youth and Juvenile Justice: Because a study of family support services is currently being conducted by the Hood Center at Dartmouth, the committee felt that this bill is Inexpedient to Legislate. Vote 21-0.

HB 303, changing the manner in which a person accepts nomination for office by write-in vote. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: This bill would require an individual who is nominated by a political party through write-in votes to follow the same type of filing policy that is now required of other candidates. This bill also would give the Secretary of State a method through which the sincerity of such an individual's candidacy for that office, can be verified. Vote 17-0.

Amendment (1263B)

Amend RSA 659:88, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A person whose name was not printed on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 and 655:19-b relative to filing fees. The person may have the filing fee waived if he is unable to pay the fee by reason of indigency. Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

AMENDED ANALYSIS

This bill requires a person whose name was not printed on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and

wishes to accept the nomination, to file a declaration of candidacy with the secretary of state no later than the second Monday after the primary.

HB 306, relative to the right to vote after a voter's name is removed from the checklist. **INEXPEDIENT TO LEGISLATE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: The purpose of this legislation was unclear to the committee. Under current law, a person whose name has been removed from the checklist may be reinstated and allowed to vote in the next election. Vote 19-0.

HB 133, relative to liquid propane gas, motor fuels, diesel fuel, kerosene, and heating oils sold at wholesale or retail. **INEXPEDIENT TO LEGISLATE**

Rep. Marilyn R. Campbell for Environment and Agriculture: The subcommittee recommendation was inexpedient to legislate. After much discussion and reviewing minutes of the hearing, we felt no wide-spread problem, thus no need for this legislation. If people have a problem with oil/gas dealers, they have a right to use another dealer. Vote 15-0.

HB 176-FN, establishing a procedure to test and quarantine equines imported from CEM countries. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marilyn R. Campbell for Environment and Agriculture: This bill was requested by the Department of Agriculture. It sets up the procedure for someone wishing to establish a facility for the quarantine of equines imported from countries where Contagious Equine Metritis is prevalent. Vote 17-0.

Amendment (1256B)

Amend RSA 436:111, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person who wishes to establish a quarantine facility for equines imported from CEM affected countries shall have the farm inspected and approved by the department of agriculture.

HB 320, permitting municipalities with burn authorizations to burn leaf or yard waste until the burn authorization expires. **INEXPEDIENT TO LEGISLATE**

Rep. Jeb E. Bradley for Environment and Agriculture: The intent of this proposed legislation was to insure that towns with burn permits issued by the Division of Air Resources continue to be allowed to burn leaves. It was determined by the Department of Environmental Services with concurrence of the Attorney General's office that the prohibition of disposing of leaves in double-lined landfills (banned in 1992) did in no way prohibit towns, with necessary permits, from burning leaves. Therefore this legislation is unnecessary. Vote 20-0.

HB 158-FN-A, changing the distribution of unrefunded road tolls. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: The Committee, responding to the request of the sponsor, considered the bill premature and not ready to go forward. Vote 13-0.

HB 187-FN, authorizing the division of public health services to charge fees for copies of data or statistical information. **OUGHT TO PASS**

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill was requested by the Department of Health and Human Services. This is a housekeeping bill to recover the cost of supplying copies of statistical data taken from computer tapes, and also the interpretation of the information which is requested. This bill includes the cost of personnel time, computer time and related expenses. The Fiscal Note will increase state special fund revenues and expenditures by \$2,520 in FY 1994. Vote 14-0.

HB 242-FN, relative to the licensing and training of hoisting engineers. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen W. Ward for Executive Departments and Administration: The unanimous vote of the committee is predicated on two major points: (1) the majority of the testimony was opposed to the bill; (2) the bill creates a new bureaucracy within the Department of Safety the size of which will be determined by the Rules promulgated by the Department under RSA 541-

A. The practical examination of a 20-ton crane applicant creates problems the committee cannot justify. It's not like driving a pickup truck to the Department of Safety for a practical driving examination. Vote 14-0.

HB 413-FN, relative to plumbers and plumbing. RE-REFER TO COMMITTEE

Rep. John J. Sytek for Executive Departments and Administration: This bill proposes extensive changes in the statute governing the plumbing profession. As presented, the bill contains the good, the bad, and the ugly. The committee recommends re-referral so that it can retain the good, expunge the bad and pretty up the ugly in an unhurried way. Vote 14-0.

HB 416-FN, transferring all authority over OHRVs from the fish and game department to the bureau of off highway recreational vehicles in the department of resources and economic development. INEXPEDIENT TO LEGISLATE

Rep. Jon P. Beaulieu for Executive Departments and Administration: The sponsor requested the committee report the bill inexpedient to legislate as he felt it was premature. Vote 13-0.

HB 421, relative to reorganization of the executive branch of state government. RE-REFER TO COMMITTEE

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee has chosen this bill from several dealing with like subject matter to re-refer and work on the entire subject of re-organization of the executive branch of state government. Vote 12-0.

HB 501-FN-LOCAL, relative to the distribution of funds made available to municipalities for capital improvements. INEXPEDIENT TO LEGISLATE

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation was well intended but many pertinent factors concerning the "community block grants" program were unknown to the sponsor. The current CDBG program is in the Office of State Planning, is competitive, well administered and has a record of fairly granting requests and needs no other legislation at this time. Vote 14-0.

HB 111, repealing the pre-admission screening program for persons entering intermediate care or skilled nursing facilities. OUGHT TO PASS

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: Although the statute originally was designed to prevent inappropriate placement in nursing homes, it does not appear to be having an impact on this process. The implementation of OBRA '87 and PASSARR screening for possible mental health patients has resulted in an overlapping prescreening process for appropriateness or referral prior to nursing home admission. Vote 11-0.

HB 165-FN, to establish an inactive pharmacist license. INEXPEDIENT TO LEGISLATE

Rep. Michael Morello for Health, Human Services and Elderly Affairs: This bill would authorize the Pharmacy Board to issue inactive pharmacist licenses. A subcommittee studying HB 165-FN found that there is no need for this legislation. The authorization of an inactive pharmacist license would offer no benefits to pharmacies or pharmacists (active or inactive) in New Hampshire. A pharmacist must be present in a pharmacy store only if the pharmacy section of the store cannot be secured separately. An annual renewal fee of \$60.00 should not be a hardship, and a decrease in the fee for an inactive pharmacist would have to be recouped by increasing the fee for active pharmacists. Vote 15-0.

HB 191, establishing a committee to study physician liability with regard to charitable medical care. OUGHT TO PASS WITH AMENDMENT

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The Committee recognizes the acute need for the still viable skills of retired physicians and primary care providers, particularly in the clinics offering maintenance health care. The study committee will attempt to find a compromise solution to the expense of physician and primary care liability in charitable situations. Vote 13-0.

Amendment (1210B)

Amend paragraph III as inserted by section 1 of the bill by replacing it with the following:

III. In light of the recent study committee reports on access to health care (1991, 130; RSA 126-A:10-c) and rural mobile health care, which indicate the need for access to care for certain

populations in the state, and the fact that the division of public health services, department of health and human services, has identified the need for primary care physicians in New Hampshire by establishing a primary care committee, and designating areas of the state as medically underserved areas (MUA's) and health care provider shortage areas (HPSA's), incentives must be developed to facilitate health care delivery to these populations by encouraging physicians and primary care providers to provide charitable medical care.

HB 373, relative to notification of employees of corrections facilities after exposure to infectious diseases. OUGHT TO PASS

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: This bill concerns the health protection of correctional employees who may be exposed to infectious diseases. This bill adds these personnel to the list of people covered under RSA 141-G. The committee agreed unanimously that their health and safety required our recommendation. Vote 16-0.

HB 374, relative to testing inmates in county correctional facilities for infectious diseases. INEXPEDIENT TO LEGISLATE

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The committee is concerned about infringement on an individual's rights who might be confined but not yet convicted. Furthermore, there would be no consistency in the testing due to the validity of the test. Vote 15-0.

HB 406, establishing a committee to study pet overpopulation. OUGHT TO PASS

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: The Committee voted unanimously, to recommend ought to pass. As almost all human rabies is contracted from domestic animals and not from wild animals, we feel that this bill is necessary from a public health standpoint as well as from a humane point of view. The proposed study committee has a broad representation of animal and human policy interests in the state and will discuss, among other things, controlling stray animals, vaccinating domestic animals and educating the public. Vote 16-0.

HB 241-FN, establishing a procedure for medical decision-making on behalf of patients unable to make decisions for themselves. OUGHT TO PASS WITH AMENDMENT

Rep. Peter H. Burling for Judiciary: This is an important question. It follows the on the heel of the durable power legislation the committee voted to establish a study committee comprised of those people and groups having the expertise to work out a resolution to this issue. Vote 15-1.

Amendment (1190B)

Amend the title of the bill by replacing it with the following:

AN ACT

creating a committee to study the establishment of procedures for medical decision-making on behalf of patients unable to make decisions for themselves.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is created a committee to study the establishment of procedures for medical decision-making on behalf of patients unable to make decisions for themselves. The committee shall consist of the following:

- I. Two representatives, appointed by the speaker of the house.
- II. Two senators, appointed by the senate president.
- III. Three public members, appointed by the governor.
- IV. The commissioner of health and human services, or designee.
- V. The administrative judge of the probate court.
- VI. A member from the New Hampshire Hospital Association, appointed by such association.
- VII. A member from the New Hampshire Health Care Association, appointed by such association.
- VIII. A member from the New Hampshire Medical Society, appointed by such society.
- IX. A member from the Office of the Public Guardian, appointed by such office.
- X. A member from New Hampshire Legal Assistance, appointed by the executive director.

2 Meetings and Report. The first-appointed representative shall chair the committee, and the first meeting shall be called within 30 days after the effective date of this act. Other meetings shall be held as necessary at the call of the chair. The committee shall report its findings and proposals for legislation to the governor, speaker of the house and senate president, on or before November 1, 1993.

3 Compensation and Mileage. Members of the committee shall not be compensated; however, legislative members shall receive mileage at the legislative rate.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill creates a committee to establish a procedure for medical decision-making on behalf of patients unable to make decisions for themselves.

HB 337, limiting the liability of volunteer and part-paid fire service instructors. **INEXPEDIENT TO LEGISLATE**

Rep. Peter H. Burling for Judiciary: The committee reviewed this request for limited liability in considerable detail. In the end, the Committee was convinced that the issue of liability on the part of fire service instructors is already covered in RSA 508. The Committee was therefore unanimous in its vote of inexpedient. Vote 21-0.

HB 120, mandating that workers' compensation benefits collected under New Hampshire law be the exclusive remedy for a person injured in New Hampshire. **OUGHT TO PASS**

Rep. Robert S. Hawking for Labor, Industrial and Rehabilitative Services: This bill mandates that workers' compensation benefits collected under New Hampshire law be the exclusive remedy for a person injured in New Hampshire. Vote 14-0.

HBI 3, relating to volunteer firefighters and job protection. **INEXPEDIENT TO LEGISLATE**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: Based on testimony and information presented and researched, the Committee saw no evidence of existing problems. Vote 14-0.

HB 181-FN-L, relative to fees charged for consultants' review of project plans. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: This bill would require a municipality to pay half the costs of a consultant review if it objected to a developer's plan and required a second opinion. The Committee feels that additional fees paid by the municipality would interfere with the integrity of the planning process and that adequate checks and balances exist in statute. Vote 17-0.

HB 216, allowing owners of homes destroyed by natural disaster to place temporary manufactured housing on the lot while the home is being rebuilt. **OUGHT TO PASS**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The intent of this bill is to avoid unwarranted cost and trauma to a person or persons already injured by an act of God or nature. The idea of having a moveable home in temporary use for this purpose should not be cause for concern for any community. Vote 15-0.

HB 220, relative to the committee studying the real estate valuation and revaluation process. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gabriel J. Daneault for Municipal and County Government: This bill is to extend the reporting date for the study of real estate valuation and revaluation process (which was established in 1992, Chapter 73) from November 1, 1992 to November 1, 1993. The bill adds one more member from the public to the study committee. Vote 15-0.

Amendment (1286B)

Amend RSA 73:2, I as inserted by section 1 of the bill by replacing it with the following:

I. Three members of the house, appointed by the speaker of the house.

HB 227, relative to enforcement of parking violations. **OUGHT TO PASS**

Rep. Richard T. Trelfa for Municipal and County Government: Enforcement of parking violations by municipalities has been hindered by lack of statute definitions for administrative procedures. This bill provides these needed definitions. Vote 17-0.

HB 248, to allow municipalities to decide the number of members who serve on recreation or park commissions. **OUGHT TO PASS**

Rep. Thomas B. Salatiello for Municipal and County Government: This bill is enabling legislation which allows the legislative body in each community to decide the number of citizens to serve on recreation or park commissions. The bill removes the current statutory limitation of not more than five (5) people. Vote 16-0.

HB 273, creating a committee to study county government. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The committee feels that this subject has been studied in several forms in the past and that this bill is superfluous. The committee is considering doing an in-house study of this entire subject during the off season. Vote 16-0.

HB 286, permitting towns to regulate the placement of fill. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Municipal and County Government: This bill introduces an approach to the regulation of fill placement. While the concept is commendable, the Committee had difficulty in reconciling the concept with the terminology and definitions. Vote 17-0.

HB 499, changing a reference to a veterans organization and the qualifications for veterans' property tax credits. **OUGHT TO PASS**

Rep. Thomas B. Salatiello for Municipal and County Government: This bill changes the name of New Hampshire Veterans Incorporated to New Hampshire Veterans Association in a section defining "Veterans organization" for purposes of veterans' property tax credits. The bill also allows an officer honorably separated from service to qualify for veterans' tax credits and clarifies the definition of "surviving spouse." Vote 14-0.

HB 547, to exempt the real and personal property of societies of Freemasons from taxation. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Cepaitis for Municipal and County Government: The Committee feels there are statutes covering tax-exempt status which give adequate guidance for local officials to evaluate and decide if an organization should be tax exempt. Vote 16-0.

HB 126-FN, requiring the commissioner of transportation to establish an adopt-a-highway program. **OUGHT TO PASS**

Rep. Katherine D. Rogers for Public Works: This bill would establish a state adopt-a-highway program. The program would offer the opportunity to civic organizations and other groups to assist in maintaining state highways by picking up rubbish and overseeing their upkeep. This would result in cleaner highways and would leave a positive impression on the traveling public. The Department of Transportation will adopt rules to implement and monitor the provisions of this bill. This bill is supported by the Department of Transportation. Vote 18-0.

HB 184, establishing a study committee to examine options for the renovation or relocation of the Plymouth district courthouse. **OUGHT TO PASS WITH AMENDMENT**

Rep. William J. Driscoll for Public Works: The town of Plymouth has asked the district court to leave its present facility as the town needs the space for municipal purposes. House Bill 184 appropriates the money and establishes a study committee to oversee the location and design of a new court facility. The town of Plymouth or the water district will offer land for the facility free of charge. If constructed, the new courthouse will be designed to accommodate jury trials and allow the superior court to use the facility. Vote 17-0.

Amendment (1206B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to oversee the design and planning of a new Plymouth district courthouse; and making an appropriation for planning and design of a new Plymouth district courthouse.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; Plymouth District Courthouse.

I. A committee is established to study the options for relocation of the Plymouth district courthouse and to oversee the design and planning of a new Plymouth district courthouse. The committee shall consist of the following members:

- (a) Two house members, one of whom shall be a member of the house public works committee, appointed by the speaker of the house.
- (b) Two senate members, appointed by the senate president.
- (c) The Plymouth district court justice, or designee.
- (d) One trial attorney who practices before the Plymouth district court, appointed by the New Hampshire Bar Association.
- (e) The commissioner of administrative services, or designee.
- (f) One public member, appointed by the governor.

II. Appointments to the committee shall be made within 30 days of the effective date of this act. The first-named house member of the committee shall call the initial meeting within 60 days of the effective date of this act. The committee shall elect a chairperson at its initial meeting. Legislative members shall receive legislative mileage for attending to the duties of the committee.

2 Duties and Report.

I. The committee shall study options for the relocation of the Plymouth district courthouse and oversee the design and planning of a new Plymouth district courthouse. Its study shall include an assessment of the costs of planning, design, building and furnishing a new courthouse.

II. The committee shall submit a report on its findings and recommendations for legislation to the speaker of the house, the senate president, the governor, and the chief justice of the supreme court, on or before November 1, 1993.

3 Appropriation; Planning and Design of Plymouth District Courthouse. The sum of \$100,000 is appropriated to the department of administrative services for the fiscal year ending June 30, 1994, for the purpose of planning and design of a new Plymouth district courthouse. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to examine options for the relocation of the Plymouth district courthouse and to oversee the planning and design of a new Plymouth district courthouse. The committee is required to submit a report to the senate president, the speaker of the house, the governor, and the chief justice of the supreme court on or before November 1, 1993.

This bill makes a capital appropriation to the department of administrative services for the design and planning of a new Plymouth district courthouse.

Referred to Appropriations.

HB 250-FN-L, requiring the department of transportation to install a traffic signal light at the intersection of Parade Road, Elm Street and Meredith Center Road in Laconia. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Public Works: This bill asks that the state pay the total bill for an improvement within Laconia. The standard procedure is for the community to pay 1/3 (\$100,000) and the state (\$200,000). The Department of Transportation has its share and is waiting for the City of Laconia to appropriate its portion. Therefore, this bill is unnecessary. Vote 19-0.

HB 359, making a technical change relative to class II highways. **OUGHT TO PASS**

Rep. Keith Moncrief for Public Works: RSA 230:7, XII and XIII, relative to class V highways changed to class II, is repealed by this bill and this statute is transferred to session law for purpose of clarity. This is a technical correction and is supported by the Department of Transportation. Vote 19-0.

HB 467-FN, relative to increasing the percentage of state road assistance funds to towns and cities. **INEXPEDIENT TO LEGISLATE**

Rep. Fredrik Peyron for Public Works: This bill asks that revenues from toll roads and motor vehicle fees be redistributed. However, existing funds already are committed and a change would only mean that the highway fund would be short more dollars. Another bill may mean relief for cities and towns. Vote 16-2.

HB 638-FN, requiring voter approval for the issuance of all state bonds. **INEXPEDIENT TO LEGISLATE**

Rep. William K. Kincaid for Public Works: This bill was not thought out as to how financing is done in New Hampshire, as it would effectively put the New Hampshire Housing Finance Authority out of business. The State Treasurer, who is chair of the New Hampshire Municipal Bond Bank, has stated that there can be no issue of any state bonds which have not had local approval. Vote 16-0.

HB 201-FN, changing the definition of "grocery or convenience store" for purposes of the liquor laws. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Behrens for Regulated Revenues: The testimony received by the committee did not substantiate any compelling need to eliminate the required dollar amount of groceries required to be licensed to sell beer and wine. Vote 19-0.

HB 517-FN, to establish a statewide bingo game. **RE-REFER TO COMMITTEE**

Rep. Stephen G. Avery for Regulated Revenues: The committee feels that there are many questions to be studied before a decision can be made on the subject. Re-referring will help answer the ramifications of statewide bingo as well as other bingo questions. Vote 17-0.

HB 287, relative to petition to the division of water resources by a municipality for dam disrepair. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah F. Merritt for Resources, Recreation and Development: HB 287 as amended gives the local governing body, rather than the local legislative body, of a municipality the authority to petition the division of water resources for an investigation to determine whether a dam is in disrepair. It retains the ability of 25 taxpayers to initiate such a request through the local governing body. HB 287 is an issue of policy for the New Hampshire Municipal Association. Vote 16-0.

Amendment (1235B)

Amend the bill by replacing section 1 with the following:

1 Petition by Municipality. Amend RSA 482:60 to read as follows:

482:60 Municipalities May Petition. The local [legislative] *governing* body of any municipality in which the whole or a part of a dam is located, if [they have] *it has* reason to believe the dam may be in disrepair, may petition the division for an investigation to determine whether such dam is in disrepair. The local [legislative] *governing* body shall so petition the division when requested to do so by 25 taxpayers of such municipality.

AMENDED ANALYSIS

This bill allows the local governing body of a municipality rather than the local legislative body to petition the division of water resources for an investigation to determine whether a dam is in disrepair.

This bill also requires the local governing body to petition the division of water resources for a dam investigation when requested to do so by 25 taxpayers of the municipality.

HB 318, changing the requirements for filing notices of intent to cut. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 318, as amended, corrects the reporting deadline difficulties experienced by some towns as a result of the changes made in the last session to the reporting requirements of the "Report of Cut" for logging operations in New Hampshire. It appears that we can now have our cake and eat it too — agreeable to the sponsor, certain members of the Appropriations Committee, the Municipal Association and the Department of Revenue Administration. Vote 17-1.

Amendment (1232B)

Amend the title of the bill by replacing it with the following:

AN ACT

changing the requirements for filing notices of intent to cut and reports of cut.

Amend the bill by replacing all after the enacting clause with the following:

1 Filing for New Notice of Intent to Cut Required. Amend RSA 79:10, II to read as follows:

II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1 shall not be required to file for a new notice of intent if the cutting operation will be completed prior to June 30 of that year. *However, any owner who will complete a cutting operation after April 1 but prior to June 30 of the same year under a valid notice of intent to cut filed before April 1 shall, prior to April 1, notify in writing the assessing officials with whom the notice of intent to cut was filed that the cutting operation will extend beyond April 1.*

2 Report of Cut. Amend RSA 79:11, II to read as follows:

II. Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1, which notice has been extended to June 30 under provisions contained in RSA 79:10, II, shall be required to file the report of cut as required in paragraph I of this section within [30] 60 days of the completion of the operation or by [August 31] July 15, whichever occurs first.

3 Certification of Yield Taxes Assessed. Amend RSA 79:19 to read as follows:

79:19 Certification of Yield Taxes Assessed.

I. The assessing officials of every town and city shall annually on or before May 15 certify to the commissioner the normal yield taxes assessed for the tax year ending the preceding March 31. Such certification shall be filed in duplicate upon a form prescribed and provided by the commissioner and shall contain such information as the commissioner shall require. Any assessing official who fails to file the certification as provided herein shall, upon complaint, be guilty of a violation.

II. *Notwithstanding the provisions of paragraph I, certification for yield taxes assessed on owners whose notice of intent to cut has been extended to June 30 under provisions contained in RSA 79:10, II, shall be filed on or before August 15.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the owner of a timber cutting operation to notify the town or city if the cutting operation commenced under a valid notice of intent to cut filed prior to April 1 will be completed after April 1 but before June 30 of that year.

The bill also changes the date by which a report of cut must be filed by owners extending a cutting operation to June 30 and the date by which the town or city assessors must certify the yield taxes assessed on such owners.

HB 378, relative to the selection of members of the wetlands board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The Committee did not agree with the bill as proposed by the sponsors, reflecting the concerns expressed by many at the public hearing. The amendment, however, appeared to be entirely acceptable to the conservation groups present because it reflects the current practice. Vote 16-0.

Amendment (1229B)

Amend the bill by replacing section 1 with the following:

1 Members of the Wetlands Board. Amend RSA 482-A:5, I(i) to read as follows:

(i) Four members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation commission at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions; one shall be a supervisor, associate

supervisor, former associate supervisor or former supervisor, of a conservation district at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; one shall be an elected municipal official at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Municipal Association; and one shall be a member of the construction industry at the time of appointment, and be nominated by the governor. *If the nominees submitted by the New Hampshire Association of Conservation Commissions, the New Hampshire Association of Conservation Districts or the New Hampshire Municipal Association are unacceptable to the governor or council, three additional nominees shall be submitted.* The 4 members appointed under this subparagraph shall be entitled to expenses as may be authorized by the governor and council.

AMENDED ANALYSIS

Current law requires the New Hampshire Association of Conservation Commissions, the New Hampshire Association of Conservation Districts and the New Hampshire Municipal Association to submit nominees for the wetlands board. This bill states that if the nominees submitted are unacceptable then three additional nominees shall be submitted.

HB 400, authorizing the division of water resources to acquire the Oliverian Dam in Benton. OUGHT TO PASS

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: Both the Resources Committee and the Legislative Dam Management Review Committee support the transfer of ownership of the Oliverian Dam (30+ acres) in Benton from the Grafton County Conservation District to the State of New Hampshire (Department of Environmental Services). This flood control dam was built in 1961-62 to protect the town of Haverhill. It is in excellent condition, having been repaired and maintained by the Water Resources Division (DES) by agreement with the U.S. Soil Conservation Service. Vote 16-0.

Referred to Appropriations.

HB 508, permitting a dam to be constructed on Jenness pond in Northwood. OUGHT TO PASS

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The Resources Committee and the Legislative Dam Management Review Committee both support the passage of HB 508, allowing a small dam to be constructed at the outlet of Jenness Pond in Northwood to stabilize the lake level. The dam will be built, maintained and operated by the Jenness Pond Shore Owners Association according to state specifications, but at no expense to the state. This association is encouraged to form a village district under RSA 52 as soon as possible. Vote 15-1.

HB 291, removing the duplicate copy reference on duplicate licenses. INEXPEDIENT TO LEGISLATE

Rep. Fred A. Kruse for Transportation: This bill defines a "duplicate" license as containing a new photograph and would conflict with the application of new technology currently being implemented in the licensing program. The practice of stamping "DUPLICATE" upon such a license will be discontinued upon implementation of the new technology (see House Bill 202). Vote 14-0.

HB 566, relative to towing motor vehicles from commercial parking lots. INEXPEDIENT TO LEGISLATE

Rep. Gordon E. Bartlett for Transportation: This is a two-part bill and both parts are presently under re-evaluation. The towing rates are on file under the Public Utilities Commission and common carrier law. Part two regarding parking in privately owned parking lots is regulated by RSA 262:40-a. Vote 14-0.

HB 114, relative to hunting restrictions. OUGHT TO PASS WITH AMENDMENT

Rep. Allen R. Wiggin for Wildlife and Marine Resources: This bill clarifies language in present law, adds additional requirements for minors who are hunting and adds to the additional use of types of hunting equipment to RSA 207. Vote 14-0.

Amendment (1135B)

Amend the bill by replacing all after the enacting clause with the following:

1 Licenses; Residency. Amend RSA 206:10, III to read as follows:

III. If the applicant is a resident alien, the agent shall issue a [nonresident] *resident* fishing, hunting, or combination fishing and hunting license, and the applicant shall be considered a resident when applying for any other license, permit or stamp.

2 New Section; Minors Hunting. Amend RSA 207 by inserting after section 2 the following new section:

207:2-a Minors Hunting.

I. No person shall knowingly or negligently permit any minor less than 16 years of age to discharge a firearm, or hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity. In accordance with RSA 626:8, II(b), such person shall be held criminally liable and fully accountable for any damage incurred or for any violations which may be committed by the minor under the age of 16 while discharging a firearm, or while hunting using a firearm, bow and arrow, or crossbow and bolt.

II. No minor under the age of 16 shall discharge a firearm or hunt using a firearm, bow and arrow, or crossbow and bolt, except when accompanied by a person at least 18 years of age who is properly licensed for said activity.

3 Negligent Discharge of Weapons; References Added. Amend RSA 207:37-a to read as follows:

207:37-a Negligent Discharge of Firearms, *Bow and Arrow or Crossbow and Bolt*. Any person who shall negligently discharge any firearm, *bow and arrow, or crossbow and bolt* while on a hunting trip, in the field, or while target practicing, in such a manner that the life of any person is endangered or so as to cause damage to the property of another person, shall be guilty of a misdemeanor, and at the discretion of the executive director, the hunting license *and privilege* of such a person may be revoked for a period not to exceed 10 years.

4 Hunting While Intoxicated; Reference Added. Amend RSA 214:20, I to read as follows:

I. Any person who shall be convicted of hunting or attempting to hunt and who is in possession of a firearm *or bow and arrow*, while under the influence of intoxicating liquor, or any controlled drug shall be guilty of a misdemeanor, his *hunting* license *and privilege* shall be revoked and he shall not be issued a license to hunt for a period of one year thereafter.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill limits when a person may permit a minor less than 16 years of age to hunt and modifies the prohibition against negligent discharge of firearms to include bow and arrow and crossbow and bolt.

This bill also prohibits hunting with a bow and arrow while intoxicated.

(Speaker Burns in the Chair) REGULAR CALENDAR

HB 444-FN, allowing citizens to register to vote while applying for driver's licenses. REFER TO COMMITTEE

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The Committee feels it is appropriate to wait for the Federal Bill and, if needed, use HB 444 as a vehicle to bring New Hampshire into compliance. Vote 18-1.

Adopted.

HB 233, relative to the equipment challenge grant program for vocational and technical education programs. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles for Education: This measure adds one member of the general public to the Governor's Steering Committee on Equipment Challenge Grants. The amendment clarifies an already existing statute regarding limited liability for donations received for this program for use not only by the Department of Postsecondary Technical Education but also public elementary and secondary schools to assist them in projects, programs and training courses. Vote 16-0.

Amendment (1180B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the equipment challenge grant program.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Liability Limited. Amend RSA 188-F by inserting after section 47 the following new section:

188-F:48 Liability Limited. Any person who, or any firm or corporation which donates the use of its premises, personnel or equipment to a public elementary or secondary school to assist them in projects, programs or training courses approved by the steering committee under this subdivision shall be immune from civil liability in any action brought on the basis of any act or omission resulting in damage or injury arising out of the use by the school of the equipment, facilities, or services to any person if:

I. The person, firm or corporation was acting pursuant to a prior written request or acceptance by the head of the elementary or secondary school.

II. The damage or injury was not caused by willful, wanton or grossly negligent misconduct by the person, firm or corporation.

3 Acceptance of Donations. Amend RSA 188-F:21-a, I to read as follows:

I. The person, firm or corporation was acting pursuant to a prior written request *or acceptance* by the head of the college or institute; and

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds a member of the general public to the governor's equipment challenge grant steering committee, and provides a limited liability section for donations to public elementary and secondary schools.

Adopted.

Report adopted and ordered to third reading.

HCR 3, encouraging the integration of United States military history into the school curriculum and directing that November 1993 be designated as "Armed Forces History Month." OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles, Sr. for Education: This House Concurrent Resolution encourages placing emphasis on the United States military history and the contributions of New Hampshire military veterans into the social studies curriculum during November 1993 and designating such month by Congress and the State of New Hampshire as "Armed Forces History Month". Vote 16-1.

Amendment (1204B)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION

encouraging the emphasis of United States military history into the school curriculum and directing that November 1993 be designated as "Armed Forces History Month."

Amend the resolution by replacing all after the title with the following:

Whereas, the history of the United States of America reveals that our peaceful tranquility and pursuit of happiness have often been threatened or interrupted by the enemies of freedom; and

Whereas, New Hampshire's sons and daughters have defended our nation during peace and armed conflict; and

Whereas, military history and the sacrifices of our veterans have been an integral part of America's past; and

Whereas, it is important for the citizens of New Hampshire to understand our military history and its role in keeping America free so our citizens can enjoy the blessings of liberty; and

Whereas, learning military history better prepares us to understand the complex problems which will be associated with the global challenges we will face in the future; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court urges the commissioner of education, department of education, to encourage the emphasis of military history and the contributions of our veterans into New Hampshire's social studies curriculum; and

That November 1993 be designated as "Armed Forces History Month."

AMENDED ANALYSIS

This house concurrent resolution encourages the emphasis of United States military history and the contributions of military veterans into New Hampshire's social studies curriculums and designates November 1993 as "Armed Forces History Month."

Adopted.

Report adopted and ordered to third reading.

HB 260-FN-A, establishing a used oil collection act program and an automotive oil road toll to fund such program. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley for Environment and Agriculture: All interested parties agreed this bill has merit. However, it needs further study before a final recommendation can be made. Vote 16-1.

Adopted.

HB 472-FN, exempting certain used oil marketers from the hazardous waste cleanup fund fees. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley for Environment and Agriculture: This bill is tied to HB 260-FN-A. HB 260 was recommended for re-refer and therefore HB 472-FN should also be re-referred. Vote 15-2.

Adopted.

HB 149-FN-A, establishing a position of grant writer within the division of public health services and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee was very understanding of the advantage of such a position in a multitude of agencies. Health and Human Services stated that this position was not requested nor wanted at this time. They are pursuing through the budget process additional positions that carry a much higher priority. Vote 11-3.

Rep. Copenhagen spoke against.

Rep. Ward spoke in favor and yielded to questions.

On a division vote, 183 members having voted in the affirmative and 113 in the negative, the report was adopted.

HB 161-FN-A, increasing the amount paid to members of the adult parole board and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Miriam D. Dunn for Executive Departments and Administration: The Committee agrees that there should be an increase in the amount paid to members; but the Adult Parole Board needs more help than dollars. As a re-referred bill, the Executive Departments and Administration Committee will consider expanding the number of members of the Board, the increased compensation and other issues to assist the Board in handling a burdensome work load. Vote 11-3.

Adopted.

HB 198-FN, abolishing the state veterans council. INEXPEDIENT TO LEGISLATE

Rep. Sandra K. Dowd for Executive Departments and Administration: The overwhelming testimony proved that the State Veterans Council services veterans who need help appealing their rights with the Veterans Administration. Vote 11-3.

Rep. O'Brien moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Fields spoke against and yielded to questions.

Reps. Schanda, Cogswell, Dowd and John Sytek spoke against.

The motion failed.

Rep. Rubin moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Ward and Drabinowicz spoke against.

The motion failed.

Report adopted.

HB 200-FN-A, relative to an actuarial audit of the New Hampshire retirement system, paid for from retirement system funds. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: Passages of this bill will require an actuarial audit of the New Hampshire retirement system. The system is 25 years old and this will be the first actuarial audit done on the performance of the actuaries. The Fiscal Note calls for increased state expenditures by an undetermined amount. Vote 10-4.

Adopted and referred to Appropriations.

HB 262-FN, providing a 5 percent cost of living adjustment for teacher members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill combines the subject matter of HB 263 and will provide a full funded permanent COLA of 5% for all teachers retired prior to July 1, 1992 plus an additional 5% COLA for those retired prior to July 1, 1957. This COLA will be terminally funded from the teachers component of the special account. This bill also provides that all future COLAs will be in excess of 1% and will only be granted if there is sufficient funding in the special account to fully fund the COLA. Vote 11-3.

Amendment (1158B)

Amend RSA 100-A:41-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A supplemental allowance shall only be granted or increased if such grant or increase would not result in a reduction in the funds in the respective component of the special account to an amount which would be insufficient for an additional one percent allowance.

Amend the bill by replacing section 2 with the following:

2 Cost of Living Adjustment for Retired Teacher Members. As of July 1, 1993, all group I teacher member beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1992, and who are receiving retirement allowances according to RSA 100-A, RSA 100, or RSA 192, except teachers retired prior to July 1957, shall receive an additional allowance of 5 percent. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

AMENDED ANALYSIS

As of July 1, 1993, this bill grants all retired teacher members of group I of the New Hampshire retirement system who retired prior to July 1, 1992, and who are receiving retirement allowances, except teachers retired prior to July 1957, an additional allowance of 5 percent.

The bill also provides that no supplemental allowance shall be granted or increased if that would reduce the funds in the member component of the special account which is used to fund the supplemental allowance to an amount which would be insufficient for a one percent additional allowance.

Adopted.

Report adopted and referred to Appropriations.

HB 355, establishing a study committee to determine whether the bureau of weights and measures should be within the department of safety. INEXPEDIENT TO LEGISLATE

Rep. Cynthia A. McGovern for Executive Departments and Administration: The committee felt that insufficient information came to its attention to warrant a change, at this time, in weights and measures procedures. Vote 9-5.

Adopted.

HB 424-FN, permitting the state treasurer to pay the costs of bank services from income generated by the state treasury. OUGHT TO PASS

Rep. John J. Sytek for Executive Departments and Administration: Presently, the state must keep large balances in its checking accounts to defray service charges. These large balances could earn more money (than the defrayed service charges) if invested in overnight interest-bearing investments. This bill authorizes the Treasurer to have the flexibility to make these investments. Vote 14-0.

Adopted and ordered to third reading.

HB 194-FN-LOCAL, relative to rabies control. **OUGHT TO PASS**

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: The committee feels the need to address the growing problem of the spread of a new mid-Atlantic strain of rabies spread by raccoons. This bill modifies the procedures for dog rabies suspects. The bill establishes a similar procedure for cat rabies suspects and provides for impoundment of apparently healthy unvaccinated dogs and cats which have bitten any person or caused a nonbite exposure of a person. The Fiscal Note calls for state restricted revenue and local expenditures by an undeterminable amount. There is no fiscal impact on state and county expenditures or on county and local revenue. Vote 16-1.

Adopted and ordered to third reading.

HCR 1, relative to a universal health care program in New Hampshire. **OUGHT TO PASS**

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: The Committee expressed unanimous approval of HCR 1. This resolution adopts six principles upon which a universal health care program established in New Hampshire should be based. All of the testimony supported the belief that our health care system needs fundamental reform to achieve the goals of providing universal access to high quality care at an affordable price with cost controls. Vote 15-0.

Adopted and ordered to third reading.

HB 208, relative to protecting personal privacy. **INEXPEDIENT TO LEGISLATE**

Rep. Nick Hart for Judiciary: This bill serves no purpose pertaining to credit and privacy. NH-VT Red Cross Blood Drawing Division noted it is very important to have the Social Security number for identification and protection for donors and recipients. A Minority of the committee was concerned about privacy. Vote 10-5.

Rep. Ferguson moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

(Rep. Michael Hill in the Chair)

Reps. D. Hall and Kurk spoke in favor.

Rep. Hart spoke against and yielded to questions.

Roll call requested sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 212

NAYS 143

**YEAS 212
BELKNAP**

Cain, Thomas
Rosen, Ralph

Hawkins, Robert
Salatiello, Thomas

Holbrook, Robert
Turner, Robert

Rice, Thomas, Jr.
Ziegler, Alice

CARROLL

Beach, Mildred
Wiggin, Gordon

Dickinson, Howard, Jr.

Lyman, L. Randy

Wiggin, Allen

CHESHIRE

Bonneau, Sarah
Delano, Robert
McNamara, Wanda
Pratt, Irene

Burnham, Daniel
Foster, Katherine
Metzger, Katherine
Richardson, Barbara

Cole, Stacey
Hunt, John
Pearson, Gertrude
Riley, William

DePecol, Benjamin
Lynch, Margaret
Perry, David
Young, David

COOS

Coulombe, Henry
Mayhew, Josephine

Foss, Frederic
Merrill, Gerald

Hawkinson, Marie
Wiswell, James

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Dow, David
Hill, Richard
Trelfa, Richard

Bean, Pamela
Chase, Paul, Jr.
Eaton, Stephanie
Larson, Nils, Jr.
Ward, Kathleen

Below, Clifton
Copenhagen, Marion
Guest, Robert
Nordgren, Sharon

Brown, Channing
Crony, Elizabeth
Ham, Bonnie
Rose, William

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bergeron, Normand
Calawa, Leon, Jr.
Daniels, Gary
Dwyer, Patricia
Gage, Ruth
Holley, Sylvia
Jean, Loren
Kurk, Neal
McCann, Bonnie
Moncrief, Keith
Rheault, Lillian
Smith, Leonard
Wells, Peter, Sr.

Ahern, Richard
Arnold, Thomas, Jr.
Borsa, Andrew
Clemons, Jane
Domaingue, Jacquelyn
Fenton, James
Greenberg, Gary
Holt, Mark
Johnson, Lionel
Lachut, Ervin
McNerney, Daniel
Nardi, Theodora
Riley, Frances
Tate, Joan
Wheeler, Robert

Ahrens, Frederick
Bagley, Amy
Buckley, Raymond
Cote, David
Donovan, Francis
Ferguson, Charles
Haettenschwiller, Alphonse
Hunter, Bruce
Kelley, Robert
Lefebvre, Roland
McRae, Karen
Packard, Bonnie
Rothhaus, Finlay
Turgeon, Roland
White, John

Allen, W. Gordon
Bergeron, Lucien
Burke, M. Virginia
Daigle, Robert
Drabinowicz, A. Theresa
Fields, Dennis
Hall, Betty
Jean, Claudette
Kirby, Thomas
Lozeau, Donnalee
Milligan, Robert
Record, Alice
Sallada, Roland
Vanderlosk, Stanley
Wright, George

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Moore, Carol
Shaw, Randall
Yeaton, Charles

Braiterman, Thea
Fillion, Paul
Newland, Matthew
Teague, Bert

Buessing, Marjorie
Hall, Douglas
Owen, Derek
Trombly, Rick

Chandler, John
Kidder, William
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Arandá, M. Kathryn
Campbell, Marilyn
Clark, Vivian
Dowling, Patricia
Groves, Bonnie
Kane, Cecelia
Moore, Benjamin
Pratt, Katharin
Simon, Peter
Sytek, Donna
Warburton, Calvin

Arndt, Janet
Caswell, Albert, Jr.
Crossman, Harold, Jr.
Drake, Herbert
Hurst, Sharleene
Kruse, Fred
O'Keefe, Patricia
Pullman, Robert
Smith, Arthur
Sytek, John
Welch, David

Bell, Juanita
Chester, Sherman
Crum, William, Jr.
Flanders, David
Johnson, Bill
McGovern, Cynthia
Packard, Sherman
Rubin, George
Splaine, James
Teminko, Margaret
Williamson, William

Blake, Daniel
Clark, Martha
Dowd, Sandra
Gorman, Donald
Johnson, Robert
McKinney, Betsy
Pantelakos, Laura
Schanda, Joseph, Sr.
St. Martin, Tommy
Vaughn, Charles
Yennaco, Carol

STRAFFORD

Brown, Julie
Gilmore, Gary
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Spear, Barbara
Vincent, Francis

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Merritt, Deborah
Pelletier, Marsha
Sullivan, Henry
Wall, Janet

Douglass, Clyde
Keans, Sandra
McGrath, J. Gregory
Musler, George
Rogers, Rose Marie
Torr, Franklin
Wheeler, Katherine

Dunlap, Patricia
Kincaid, William
McKinley, Robert
O'Brien, John
Snyder, Clair
Torr, Ralph

Behrens, Thomas
Kane, Joan
Schotanus, Merle

Cloutier, John
Lindblade, Eric
Stamatakis, Carol

Flint, Gordon
Palmer, Lorraine

Holl, Ann
Peyron, Fredrik

SULLIVAN

Campbell, Richard, Jr.
Lafiam, Robert

Dewhirst, Glenn
Lawton, David

Golden, Paul
Smith, Linda

Johnson, Carl

NAYS 143**BELKNAP**

Allard, Nanci
Mock, Henry

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Saunders, Howard

Cogswell, Richard

CARROLL

CHESHIRE

Avery, Stephen	Champagne, Richard	Kingsbury, H. Thayer	Manning, Joseph
McGuirk, Paul	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin			

COOS

Bradley, Paula	Burns, Harold	Guay, Lawrence	Pratt, Leighton
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GRAFTON

Brown, Alson	Driscoll, William	Gordon, Edward	McIlwaine, Deborah
Scanlan, David	Teschner, Douglass	Wadsworth, Karen	White, Paul

HILLSBOROUGH

Andrews, Frederick	Arnold, Barbara	Bowers, Dorothy	Cepaitis, Elizabeth
Chabot, Robert	Cowenhoven, Garret	Crotty, Edward	Desrosiers, William
Dodge, Emma	Drolet, Paul	Durham, Susan	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gosselin, Gerald	Hart, Nick
Holden, Carol	Jasper, Shawn	Kelley, Dana	Laughlin, J. Francis
Leclerc, Charles	Lessard, Rudy	Lown, Elizabeth	McCarty, Winston
Mercer, Robert	Messier, Irene	Mittelman, David	Moore, Elizabeth
Morello, Michael	Morrisette, Roland	Murphy, Robert	Paquette, Rodolphe
Pepino, Leo	Perkins, Paul	Peters, Stanley	Plourde, Alphonse
Reidy, Frank	Rodgers, G. Philip	Sargent, Maxwell	Searles, Stanley, Sr.
Soucy, Donna	Toomey, Kathryn	Upton, Barbara	Weergang, Alida

MERRIMACK

Carter, Susan	Chandler, Earle	Feuerstein, Martin	Gilbreth, Robert
Holmes, Mary	Houlahan, Thomas	Johnson, C. William	Kennedy, Richard
Langer, Ray	Lockwood, Robert	Nichols, Avis	Pfaff, Terence
Stapleton, Henry	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Boucher, William	Christie, Andrew, Jr.
Coes, Betsy	Conroy, Janet	Cote, Patricia	DiPietro, Carmela
Dube, LeRoy	Felch, Charles, Sr.	Flanagan, Natalie	Gage, Beverly
Gargiulo, Louis	Hemenway, Thomas	Katsakiores, George	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth
Miller, Don	Newman, Rick	Noyes, Richard	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rosencrantz, James
Senter, Merilyn	Skinner, Patricia	Stone, Joseph	Stritch, C. Donald
Syracusa, Anthony	Weyler, Kenneth	Woods, Deborah	

STRAFFORD

Brown, George	Callaghan, Frank	Hambrick, Patricia	Hemon, Roland
Knowles, William	Lundborn, Raymond	Nehring, William	Torr, Ann
Wasson, Richard			

SULLIVAN

Allison, David	Burling, Peter	Domini, Irene	Rodeschin, Beverly
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and the substitute motion was adopted.

Ordered to third reading.

Rep. Healy notified the Clerk that he wished to be recorded in opposition to the substitute motion.

HB 256, requiring probable cause for pupil locker searches and prohibiting videotaping in areas where pupils have a reasonable expectation of privacy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David T. Mittleman for the Majority of Judiciary: The committee expressed its abhorrence with videotaping in school bathrooms. However, the Supreme Court already has spoken to the issues in this bill. To further legislate would only muddy the waters. School officials must act for the safety of all students and exercise their authority responsibly "in loco parentis." Vote 15-2.

Rep. Benjamin J. DePecol for the Minority of Judiciary: The minority believes that actions such as videotaping students in the gym locker room or "restroom facilities" is an unwarranted invasion of privacy. It believes that without probable cause these actions should be strictly prohibited.

Rep. DePecol moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Mittleman spoke against.

Reps. Newman, Hilliard and Dow spoke in favor and yielded to questions.

Rep. Burling spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 117**NAYS 240****YEAS 117
BELKNAP**

Cain, Thomas

Dewhirst, Glenn

Salatiello, Thomas

Ziegler, Alice

CARROLL

Wiggin, Gordon

CHESHIRE

Avery, Stephen

Bonneau, Sarah

Champagne, Richard

Cole, Stacey

DePecol, Benjamin

Delano, Robert

Foster, Katherine

Hunt, John

Kingsbury, H. Thayer

Lynch, Margaret

McNamara, Wanda

Pratt, Irene

Richardson, Barbara

Young, David

COOS

Coulombe, Henry

Hawkinson, Marie

GRAFTON

Chase, Paul, Jr.

Copenhaver, Marion

Croy, Elizabeth

Dow, David

Ham, Bonnie

Trelfa, Richard

HILLSBOROUGH

Ackerman, Philip

Allen, W. Gordon

Andrews, Frederick

Bagley, Amy

Borsa, Andrew

Bowers, Dorothy

Buckley, Raymond

Cepaitis, Elizabeth

Clemons, Jane

Cote, David

Domaingue, Jacquelyn

Dwyer, Patricia

Fields, Dennis

Foster, Linda

Gagnon, Eugene

Gosselin, Gerald

Greenberg, Gary

Hall, Betty

Healy, Daniel

Holt, Mark

Laughlin, J. Francis

Moncrief, Keith

Moore, Elizabeth

Nardi, Theodora

Paquette, Rodolphe

Plourde, Alphonse

Reidy, Frank

Rheault, Lillian

Riley, Frances

Sallada, Roland

Sargent, Maxwell

Smith, Leonard

Soucy, Donna

Vanderlosk, Stanley

White, John

MERRIMACK

Barberia, Richard

Braiterman, Thea

Daneault, Gabriel

Houlahan, Thomas

Moore, Carol

Newland, Matthew

Rogers, Katherine

Teague, Bert

Trombly, Rick

Wallner, Mary Jane

Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn

Arndt, Janet

Bove, Martin

Chester, Sherman

Crum, William, Jr.

Gorman, Donald

Groves, Bonnie

Hurst, Sharleene

Johnson, Bill

Johnson, Robert

Kane, Cecelia

Klemarczyk, Thaddeus

Lovejoy, Marian

McGovern, Cynthia

Newman, Rick

Pantelakos, Laura

Pratt, Katharin
St. Martin, Tommy
Williamson, William

Rubin, George
Syracusa, Anthony
Yennaco, Carol

Smith, Arthur
Teminko, Margaret

Splaine, James
Warburton, Calvin

STRAFFORD

Brown, George
Hilliard, Dana
McGrath, J. Gregory

Dunlap, Patricia
Keans, Sandra
Merrill, Amanda

Gilmore, Gary
Kincaid, William
Merritt, Deborah

Hambrick, Patricia
McCann, William, Jr.
Sullivan, Henry

SULLIVAN

Behrens, Thomas
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

Kane, Joan

NAYS 240 BELKNAP

Campbell, Richard, Jr.
Johnson, Carl
Rosen, Ralph

Golden, Paul
Lafam, Robert
Smith, Linda

Hawkins, Robert
Lawton, David
Turner, Robert

Holbrook, Robert
Rice, Thomas, Jr.

CARROLL

Allard, Nanci
Cogswell, Richard
Phillbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Mock, Henry

CHESHIRE

Burnham, Daniel
Pearson, Gertrude
Royce, H. Charles

Manning, Joseph
Perry, David
Russell, Ronald

McGuirk, Paul
Riley, William
Smith, Edwin

Metzger, Katherine
Robertson, Timothy

COOS

Bradley, Paula
Horton, Lynn
Wiswell, James

Burns, Harold
Mayhew, Josephine

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Channing
Gordon, Edward
Larson, Nils, Jr.
Scanlan, David
White, Paul

Bean, Pamela
Brown, Patricia
Guest, Robert
McIlwaine, Deborah
Teschner, Douglass

Below, Clifton
Driscoll, William
Hill, Richard
Nordgren, Sharon
Wadsworth, Karen

Brown, Alson
Eaton, Stephanie
LaMott, Paul
Rose, William
Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Daigle, Robert
Donovan, Francis
Fenton, James
Haettenschwiler, Alphonse
Hunter, Bruce
Johnson, Lionel
Kurk, Neal
Lessard, Rudy
McCarty, Winston
Messier, Irene
Morrisette, Roland
Perkins, Paul

Ahrens, Frederick
Bergeron, Lucien
Chabot, Robert
Daniels, Gary
Drabinowicz, A. Theresa
Ferguson, Charles
Hart, Nick
Jasper, Shawn
Kelley, Dana
Lachut, Ervin
Lown, Elizabeth
McNerney, Daniel
Milligan, Robert
Murphy, Robert
Peters, Stanley

Amidon, Eleanor
Bergeron, Normand
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Franks, Suzan
Holden, Carol
Jean, Claudette
Kelley, Robert
Leclerc, Charles
Lozeau, DonnaLee
McRae, Karen
Mittelman, David
Packard, Bonnie
Record, Alice

Arnold, Barbara
Burke, M. Virginia
Crotty, Edward
Dodge, Emma
Durham, Susan
Gage, Ruth
Holley, Sylvia
Jean, Loren
Kirby, Thomas
Lefebvre, Roland
McCann, Bonnie
Mercer, Robert
Morello, Michael
Pepino, Leo
Rodgers, G. Philip

Rothhaus, Finlay
Turgeon, Roland
Wheeler, Robert

Searles, Stanley, Sr.
Upton, Barbara
Wright, George

Tate, Joan
Weergang, Alida

Toomey, Kathryn
Wells, Peter, Sr.

MERRIMACK

Buessing, Marjorie
Feuerstein, Martin
Holmes, Mary
Langer, Ray
Pfaff, Terence
Willis, Jack

Carter, Susan
Fillion, Paul
Johnson, C. William
Lockwood, Robert
Shaw, Randall
Yeaton, Charles

Chandler, Earle
Gilbreth, Robert
Kennedy, Richard
Nichols, Avis
Stapleton, Henry

Chandler, John
Hall, Douglas
Kidder, William
Owen, Derek
Whittemore, James

ROCKINGHAM

Battles, Marjorie
Boucher, William
Clark, Martha
Cote, Patricia
Dowling, Patricia
Flanagan, Natalie
Gargiulo, Louis
Kruse, Fred
Miller, Don
Packard, Sherman
Richards, David
Senter, Marilyn
Stritch, C. Donald
Welch, David

Beaulieu, Jon
Campbell, Marilyn
Clark, Vivian
Crossman, Harold, Jr.
Drake, Herbert
Flanders, David
Hemenway, Thomas
Lee, Rebecca
Moore, Benjamin
Pullman, Robert
Ritzo, Eugene
Simon, Peter
Sytek, Donna
Weyler, Kenneth

Bell, Juanita
Caswell, Albert, Jr.
Coes, Betsy
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Katsakiores, George
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Rosencrantz, James
Skinner, Patricia
Sytek, John
Woods, Deborah

Blake, Daniel
Christie, Andrew, Jr.
Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.
Gage, Beverly
Klemm, Arthur, Jr.
McKinney, Betsy
O'Keefe, Patricia
Raynowska, Bernard
Schanda, Joseph, Sr.
Stone, Joseph
Vaughn, Charles

STRAFFORD

Brown, Julie
Hemon, Roland
McKinley, Robert
Pelletier, Arthur
Spear, Barbara
Vincent, Francis

Callaghan, Frank
Knowles, William
Nehring, William
Pelletier, Marsha
Torr, Ann
Wall, Janet

Chagnon, Ronald
Loder, Suzanne
O'Brien, John
Rogers, Rose Marie
Torr, Franklin
Wasson, Richard

Douglass, Clyde
Lundborn, Raymond
Pageotte, Donald
Snyder, Clair
Torr, Ralph
Wheeler, Katherine

SULLIVAN

Allison, David
Lindblade, Eric

Burling, Peter
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

and the substitute motion failed.

Report adopted.

Rep. Philbrook notified the Clerk that she wished to be recorded in favor of the substitute motion.

HB 346, relative to the award of damages for loss of consortium and loss of society and companionship. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Robert A. Lockwood for the Majority of Judiciary: The arguments that prevailed with the majority of the committee were that the bill as written would increase litigation in an already over-burdened court system; that current provisions for recovery by children for damages are sufficient; and that we should not open the door to an unlimited number of potential plaintiffs. Vote 12-9.

Rep. Rick G. Newman for the Minority of Judiciary: The minority favors ought to pass with amendment. This bill, properly amended, would allow a child to recover for the loss of society and companionship of a parent when the parent is injured through the negligence of a third person. The amendment limits the right to recover damages to the child.

Amendment (1294B)

Amend RSA 507:8-a as inserted by section 1 of the bill by deleting paragraph III.

AMENDED ANALYSIS

This bill removes certain restrictions on the award of damages for loss of consortium. The bill permits the award of damages to an unemancipated minor for loss of society and companionship resulting from a tortuous injury to a parent.

Rep. Newman moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Gordon and Record spoke against.

Reps. DePecol and Lozeau spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 109**NAYS 234****YEAS 109****BELKNAP**

Campbell, Richard, Jr.

Salatiello, Thomas

Smith, Linda

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Russell, Ronald

Champagne, Richard
Pratt, Irene

DePecol, Benjamin
Riley, William

Delano, Robert
Robertson, Timothy

COOS

Hawkinson, Marie

Mayhew, Josephine

Wiswell, James

GRAFTON

Below, Clifton
Guest, Robert

Copenhaver, Marion

Croy, Elizabeth

Dow, David

HILLSBOROUGH

Ackerman, Philip
Bowers, Dorothy
Daigle, Robert
Ferguson, Charles
Hall, Betty
O'Rourke, Joanne
Reidy, Frank
White, John

Allen, W. Gordon
Buckley, Raymond
Donovan, Francis
Fields, Dennis
Jean, Claudette
Paquette, Rodolphe
Smith, Leonard

Andrews, Frederick
Clemons, Jane
Drabinowicz, A. Theresa
Foster, Linda
Laughlin, J. Francis
Philbrook, Paula
Soucy, Donna

Bagley, Amy
Cote, David
Dwyer, Patricia
Gage, Ruth
Lozeau, Donnalee
Plourde, Alphonse
Toomey, Kathryn

MERRIMACK

Chandler, John
Kennedy, Richard
Rogers, Katherine
Yeaton, Charles

Daneault, Gabriel
Moore, Carol
Teague, Bert

Fillion, Paul
Newland, Matthew
Trombly, Rick

Houlahan, Thomas
Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Crum, William, Jr.
Kane, Cecelia
O'Keefe, Patricia
Splaine, James
Vaughn, Charles

Caswell, Albert, Jr.
Hurst, Sharleene
Malcolm, Kenneth
Pantelakos, Laura
St. Martin, Tommy
Warburton, Calvin

Clark, Vivian
Johnson, Bill
McGovern, Cynthia
Schanda, Joseph, Sr.
Syracusa, Anthony
Williamson, William

Cote, Patricia
Johnson, Robert
Newman, Rick
Smith, Arthur
Terninko, Margaret

STRAFFORD

Brown, George
Hambrick, Patricia
Lundborn, Raymond
O'Brien, John
Rogers, Rose Marie

Chagnon, Ronald
Keans, Sandra
McCann, William, Jr.
Pageotte, Donald
Sullivan, Henry

Dunlap, Patricia
Kincaid, William
McGrath, J. Gregory
Pelletier, Arthur

Gilmore, Gary
Knowles, William
Merritt, Deborah
Pelletier, Marsha

SULLIVAN

Allison, David
Palmer, Lorraine

Burling, Peter
Stamatakis, Carol

Cloutier, John

Kane, Joan

NAYS 234**BELKNAP**

Cain, Thomas
Johnson, Carl
Rosen, Ralph

Dewhirst, Glenn
Lafiam, Robert
Turner, Robert

Golden, Paul
Lawton, David
Ziegra, Alice

Holbrook, Robert
Rice, Thomas, Jr.

CARROLL

Allard, Nanci
Cogswell, Richard

Beach, Mildred
Dickinson, Howard, Jr.

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Manning, Joseph
Perry, David
Young, David

Burnham, Daniel
McGuirk, Paul
Richardson, Barbara

Cole, Stacey
Metzger, Katherine
Royce, H. Charles

Hunt, John
Pearson, Gertrude
Smith, Edwin

COOS

Bradley, Paula
Horton, Lynn

Burns, Harold
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Ham, Bonnie
Nordgren, Sharon
Trelfa, Richard

Bean, Pamela
Driscoll, William
Hill, Richard
Rose, William
Wadsworth, Karen

Brown, Alphon
Eaton, Stephanie
Larson, Nils, Jr.
Scanlan, David
Ward, Kathleen

Brown, Patricia
Gordon, Edward
McIlwaine, Deborah
Teschner, Douglass
White, Paul

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Fenton, James
Greenberg, Gary
Holley, Sylvia
Jean, Loren
Kirby, Thomas
Lessard, Rudy
McNerney, Daniel
Milligan, Robert
Morello, Michael
Pepino, Leo
Rheault, Lillian
Sallada, Roland
Turgeon, Roland
Wells, Peter, Sr.

Ahrens, Frederick
Bergeron, Lucien
Calawa, Leon, Jr.
Crotty, Edward
Domaingue, Jacquelyn
Franks, Suzan
Haettenschwiller, Alphonse
Holt, Mark
Johnson, Lionel
Kurk, Neal
Lown, Elizabeth
McRae, Karen
Mittelman, David
Morrissette, Roland
Perkins, Paul
Riley, Frances
Sargent, Maxwell
Upton, Barbara
Wheeler, Robert

Amidon, Eleanor
Bergeron, Norman
Cepaitis, Elizabeth
Daniels, Gary
Drolet, Paul
Gagnon, Eugene
Healy, Daniel
Hunter, Bruce
Kelley, Dana
Lachut, Ervin
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Murphy, Robert
Peters, Stanley
Rodgers, G. Philip
Searles, Stanley, Sr.
Vanderlosk, Stanley
Wright, George

Arnold, Barbara
Borsa, Andrew
Chabot, Robert
Desrosiers, William
Durham, Susan
Gosselin, Gerald
Holden, Carol
Jasper, Shawn
Kelley, Robert
Leclerc, Charles
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Packard, Bonnie
Record, Alice
Rothhaus, Finlay
Tate, Joan
Weergang, Alida

MERRIMACK

Barberia, Richard	Braiterman, Thea	Buessing, Marjorie	Carter, Susan
Chandler, Earle	Feuerstein, Martin	Gilbreth, Robert	Hall, Douglas
Holmes, Mary	Johnson, C. William	Kidder, William	Langer, Ray
Lockwood, Robert	Nichols, Avis	Pfaff, Terence	Shaw, Randall
Stapleton, Henry	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Campbell, Marilyn
Chester, Sherman	Christie, Andrew, Jr.	Clark, Martha	Conroy, Janet
Crossman, Harold, Jr.	DiPietro, Carmela	Dowd, Sandra	Dowling, Patricia
Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.	Flanders, David
Flanders, John, Sr.	Gage, Beverly	Gorman, Donald	Groves, Bonnie
Hemenway, Thomas	Katsakiores, George	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Kruse, Fred	Lee, Rebecca	Lovejoy, Marian	McKinney, Betsy
Miller, Don	Moore, Benjamin	Noyes, Richard	Packard, Sherman
Pratt, Katharin	Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ritzo, Eugene	Rosencrantz, James	Rubin, George
Senter, Marilyn	Simon, Peter	Skinner, Patricia	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Brown, Julie	Callaghan, Frank	Douglass, Clyde	Hemon, Roland
Hilliard, Dana	Loder, Suzanne	McKinley, Robert	Nehring, William
Snyder, Clair	Spear, Barbara	Torr, Ann	Torr, Franklin
Torr, Ralph	Vincent, Francis	Wall, Janet	Wasson, Richard
Wheeler, Katherine			

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon	Holl, Ann
Lindblade, Eric	Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle

and the substitute motion failed.

Report adopted.

(Speaker Burns in the Chair)

HB 347, authorizing the forfeiture of automobiles as a penalty for prostitution violations. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Moore for Judiciary: While the committee is sympathetic to problems some communities are experiencing in dealing with prostitution. It feels that property confiscation used as a remedy to crime can have serious consequences, particularly when the property is carrying a bank mortgage, as most vehicles do at present, or is owned by another party. However, the committee does feel that the tragic consequences of prostitution should be addressed by this state in a timely fashion. Vote 13-2.

Adopted.

Rep. Healy notified the Clerk that he wished to be recorded in opposition to the Committee report.

HB 169-L, allowing the moderator to hold town or school district meetings out-of-town. **ought TO PASS WITH AMENDMENT**

Rep. Richard T. Trelfa for Municipal and County Government: From time to time, controversial matters cause attendance at town or school district meetings to exceed the capacity of normal meeting places. This bill, as amended, prescribes procedures to permit moving such meetings to larger accommodations even if outside the town or district. Vote 11-4.

Amendment (1243B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing town and school district meetings to be held
outside the town or school district.

Amend the bill by replacing all after the enacting clause with the following:

1 Meetings Outside Town. Amend RSA 39:1-b to read as follows:
39:1-b Meetings Outside Town.

I. A town [which is a member of a cooperative school district] may hold its town meeting outside the geographical boundaries of the town [in a building owned by the cooperative school district of which it is a member if there is not to be balloting using prepared, preprinted ballots at the meeting. If there is to be voting on prepared, preprinted ballots such voting shall be held at the usual polling place in the town and only such portion of a meeting that does not involve such ballots may be held outside the boundaries of the town], *if the town does not have a facility with a large enough seating capacity to accommodate the meeting.*

II. Warrants and other items required to be posted shall be posted for review by qualified voters at the place of the meeting on the day of the meeting. [Warrants and other notices required to be posted elsewhere concerning items on the prepared, preprinted ballot shall not be required to be posted at the place of the meeting as required elsewhere in the law but shall be posted at the required time at the place where voting by prepared, preprinted ballot occurs and at other locations required by law at the times required by law.]

III. The selectmen of the town shall arrange transportation, for those voters who need it, from the usual polling place in the town to the out-of-town facility and back to the usual polling place.

IV. The out-of-town meeting shall be held in an adjacent town or nearest appropriate facility.

2 New Section; Meeting Outside District. Amend RSA 197 by inserting after section 4 the following new section:

197:4-a Meeting Outside District.

I. A school district may hold its district meeting outside the geographical boundaries of the district, if the district does not have a facility with a large enough seating capacity to accommodate the meeting.

II. Warrants and other items required to be posted shall be posted for review by qualified voters at the place of the meeting on the day of the meeting.

III. The school district officers shall arrange transportation, for those voters who need it, from the usual polling place in the district to the out-of-district facility and back to the usual polling place.

IV. The out-of-district meeting shall be held in an adjacent town or nearest appropriate facility.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows town and school district meetings to be held outside the town or school district.

Adopted.

Report adopted and ordered to third reading.

HB 281, to change the Salisbury and Warner town lines. OUGHT TO PASS

Rep. Richard T. Trelfa for Municipal and County Government: Legislative enactment is necessary before changes in town lines can be ratified by 2/3 of the voters of each town or city affected, present and voting by ballot at the regular town meeting. Passage of HB 281 acts purely as a vehicle to get this issue before the town bodies. Vote 17-0.

Adopted and ordered to third reading.

CACR 2, relating to expanding the purpose and scope of the highway fund. Providing that highway fund moneys may be appropriated for public transportation. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Gene C. Chandler for the Majority of Public Works: The majority of the Committee feels that there is already enough unconstitutional diversion from the highway fund without opening the floodgates to rail and other modes of travel. While not unsupportive of alternative modes of

travel, the majority feels that the general fund or tax or fee paid by users of a particular method of travel would be a more appropriate method of financing these ventures. The highway fund is maintained by the people using the system and further diversions at this time would be unfair to the highway user. Alternative means of transportation need to be addressed and in future years we will be taking advantage of money, new ideas and programs, but until such time as these programs can be self-sustaining the highway fund should remain intact and used for the constitutional purpose for which it is designed. New Hampshire needs every available highway dollar to fully participate in the new Federal Highway Program over the next few years, and we must maintain a constant vigil on diversions from the highway fund. Vote 14-5.

Reps. Katherine D. Rogers, John R. Cloutier and Sandra B. Keans for the Minority of Public Works: This CACR would allow the citizens of New Hampshire to build toward the future of the state through further construction, reconstruction and maintenance of the public transportation infrastructure by way of a public referendum on the expanded use of the highway fund. This CACR offers the state flexibility to deal with our growing transportation needs and a vision of the future for the transportation users of the state. The CACR is supported by the Department of Transportation.

Rep. Gene Chandler yielded to questions.
Adopted.

HB 229-FN, relative to expenditures from the highway fund. OUGHT TO PASS

Rep. John P. Chandler for Public Works: This bill places in statute a long-standing budget guideline requiring documentation of how highway revenues are expended by the courts and all executive departments. The 1988 LBA audit of the highway fund was unable to determine compliance with the New Hampshire Constitution by several agencies because such records are not being maintained. The fiscal impact is negligible since current accounting systems are considered adequate to accomplish this task. Vote 19-0.

Adopted and ordered to third reading.

HB 372, relative to allowable bingo hall rental fees. INEXPEDIENT TO LEGISLATE

Rep. Lynn C. Horton for Regulated Revenues: Rental fees at commercial bingo halls presently have a rental cap of \$3.00 per person. Charities may negotiate with hall owners for lower amounts. According to testimony, most are happy with the present arrangement. Vote 16-3.

Adopted.

HB 431-FN-A, establishing a 5 percent tax on golf fees to benefit education. INEXPEDIENT TO LEGISLATE

Rep. James A. Whittemore for Ways and Means: The Committee feels this discriminates against golfers and does not consider other sports such as tennis, skiing, etc. It further finds there are many aspects which are impossible to properly answer. In the eyes of the Committee, there is a question of its constitutionality. Vote 17-0.

Rep. O'Brien moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Barbara Arnold spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 41

NAYS 296

**YEAS 41
BELKNAP**

None

CARROLL

None

CHESHIRE

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

COOS

Hawkinson, Marie

GRAFTON

Copenhaver, Marion

HILLSBOROUGHBergeron, Normand
Dwyer, Patricia
Lachut, ErvinBuckley, Raymond
Healy, Daniel
O'Rourke, JoanneClemons, Jane
Holley, Sylvia
Smith, LeonardDaigle, Robert
Kirby, Thomas
White, John**MERRIMACK**

Langer, Ray

Wallner, Mary Jane

Yeaton, Charles

ROCKINGHAMBoucher, William
St. Martin, Tommy
Williamson, WilliamClark, Martha
Syracusa, AnthonyJohnson, Robert
Teminko, MargaretMcGovern, Cynthia
Vaughn, Charles**STRAFFORD**Callaghan, Frank
Pelletier, Arthur
Sullivan, HenryGilmore, Gary
Pelletier, Marsha
Vincent, FrancisMcCann, William, Jr.
Rogers, Rose Marie
Wheeler, KatherineO'Brien, John
Snyder, Clair**SULLIVAN**

None

NAYS 296**BELKNAP**Cain, Thomas
Holbrook, Robert
Rice, Thomas, Jr.
Turner, RobertCampbell, Richard, Jr.
Johnson, Carl
Rosen, Ralph
Ziegra, AliceDewhirst, Glenn
Lafam, Robert
Salatiello, ThomasGolden, Paul
Lawton, David
Smith, Linda**CARROLL**Allard, Nanci
Cogswell, RichardBeach, Mildred
Philbrick, DonaldBradley, Jeb
Wiggin, Gordon

Chandler, Gene

CHESHIREAvery, Stephen
DePecol, Benjamin
Manning, Joseph
Perry, David
Young, DavidBonneau, Sarah
Delano, Robert
McGuirk, Paul
Pratt, IreneBurnham, Daniel
Hunt, John
Metzger, Katherine
Royce, H. CharlesCole, Stacey
Kingsbury, H. Thayer
Pearson, Gertrude
Smith, Edwin**COOS**Bradley, Paula
Mayhew, JosephineFoss, Frederic
Merrill, GeraldGuay, Lawrence
Pratt, LeightonHorton, Lynn
Wiswell, James**GRAFTON**Adams, Carl
Brown, Patricia
Driscoll, William
Ham, Bonnie
McIlwaine, Deborah
Teschner, Douglass
White, PaulBelow, Clifton
Chase, Paul, Jr.
Eaton, Stephanie
Hill, Richard
Nordgren, Sharon
Trelfa, RichardBrown, Alson
Croy, Elizabeth
Gordon, Edward
LaMott, Paul
Rose, William
Wadsworth, KarenBrown, Channing
Dow, David
Guest, Robert
Larson, Nils, Jr.
Scanlan, David
Ward, Kathleen**HILLSBOROUGH**Ackerman, Philip
Amidon, Eleanor
Bagley, AmyAhern, Richard
Andrews, Frederick
Borsa, AndrewAhrens, Frederick
Arnold, Barbara
Bowers, DorothyAllen, W. Gordon
Arnold, Thomas, Jr.
Burke, M. Virginia

Calawa, Leon, Jr.
Cowenhoven, Garret
Dodge, Emma
Drolet, Paul
Fields, Dennis
Gagnon, Eugene
Hall, Betty
Jasper, Shawn
Kelley, Dana
Lefebvre, Roland
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Murphy, Robert
Perkins, Paul
Record, Alice
Rodgers, G. Philip
Searles, Stanley, Sr.
Turgeon, Roland
Wheeler, Robert

Barberia, Richard
Chandler, Earle
Fillion, Paul
Holmes, Mary
Kidder, William
Nichols, Avis
Shaw, Randall
Whalley, Michael

Aranda, M. Kathryn
Bell, Juanita
Chester, Sherman
Cote, Patricia
Dowd, Sandra
Felch, Charles, Sr.
Gage, Beverly
Hurst, Sharleene
Klemarczyk, Thaddeus
Lovejoy, Marian
Moore, Benjamin
Pantelakos, Laura
Raynowska, Bernard
Rubin, George
Skinner, Patricia
Sritch, C. Donald
Woods, Deborah

Brown, George
Dunlap, Patricia
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Torr, Ann
Wasson, Richard

Cepaitis, Elizabeth
Crotty, Edward
Domaingue, Jacquelyn
Durham, Susan
Foster, Linda
Gosselin, Gerald
Holden, Carol
Jean, Claudette
Kelley, Robert
Lessard, Rudy
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Packard, Bonnie
Peters, Stanley
Reidy, Frank
Rothhaus, Finlay
Soucy, Donna
Upton, Barbara
Wright, George

Braiterman, Thea
Chandler, John
Gilbreth, Robert
Houlahan, Thomas
Lockwood, Robert
Owen, Derek
Stapleton, Henry
Whittemore, James

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Dowling, Patricia
Flanagan, Natalie
Gorman, Donald
Johnson, Bill
Klemm, Arthur, Jr.
Malcolm, Kenneth
Noyes, Richard
Pratt, Katharin
Richards, David
Schanda, Joseph, Sr.
Smith, Arthur
Sytek, Donna
Yennaco, Carol

Brown, Julie
Hambrick, Patricia
Kincaid, William
McGrath, J. Gregory
Nehring, William
Torr, Franklin

Chabot, Robert
Daniels, Gary
Donovan, Francis
Fenton, James
Franks, Suzan
Greenberg, Gary
Holt, Mark
Jean, Loren
Laughlin, J. Francis
Lown, Elizabeth
McNerney, Daniel
Milligan, Robert
Morello, Michael
Paquette, Rodolphe
Philbrook, Paula
Rheault, Lillian
Sallada, Roland
Tate, Joan
Vanderlosk, Stanley

Buessing, Marjorie
Daneault, Gabriel
Hall, Douglas
Johnson, C. William
Moore, Carol
Pfaff, Terence
Teague, Bert
Willis, Jack

Battles, Marjorie
Campbell, Marilyn
Clark, Vivian
Crum, William, Jr.
Drake, Herbert
Flanders, David
Groves, Bonnie
Kane, Cecelia
Kruse, Fred
McKinney, Betsy
O'Keefe, Patricia
Pullman, Robert
Ritzo, Eugene
Senter, Marilyn
Splaine, James
Sytek, John

Chagnon, Ronald
Hemon, Roland
Knowles, William
McKinley, Robert
Pageotte, Donald
Torr, Ralph

Cote, David
Desrosiers, William
Drabinowicz, A. Theresa
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Hunter, Bruce
Johnson, Lionel
Leclerc, Charles
Lozeau, Donnalee
McRae, Karen
Mittelman, David
Morrissette, Roland
Pepino, Leo
Plourde, Alphonse
Riley, Frances
Sargent, Maxwell
Toomey, Kathryn
Weergang, Alida

Carter, Susan
Feuerstein, Martin
Hill, Michael
Kennedy, Richard
Newland, Matthew
Rogers, Katherine
Trombly, Rick

Beaulieu, Jon
Caswell, Albert, Jr.
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, George
Lee, Rebecca
Miller, Don
Packard, Sherman
Putnam, Ed, II
Rosencrantz, James
Simon, Peter
Stone, Joseph
Welch, David

Douglass, Clyde
Hilliard, Dana
Loder, Suzanne
Merrill, Amanda
Spear, Barbara
Wall, Janet

MERRIMACK

ROCKINGHAM

STRAFFORD

SULLIVAN

Allison, David
 Domini, Irene
 Lindblade, Eric
 Schotanus, Merle

Behrens, Thomas
 Flint, Gordon
 Palmer, Lorraine

Burling, Peter
 Holl, Ann
 Peyron, Fredrik

Cloutier, John
 Kane, Joan
 Rodeschin, Beverly

and the motion failed.

Report adopted.

HB 292, relative to a home care clients' bill of rights. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: The committee amended the original bill for purposes of clarity and completeness after hearing testimony from the public. The client outside of institutions has not had a "Bill of Rights" as in-patients have had in New Hampshire public and private institutions. Therefore this bill was created to meet the needs of patients (clients) residing outside hospitals. Vote 17-0.

Amendment (1244B)

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Revised. Amend RSA 151:19, II to read as follows:

II. "Facility" means any hospital, or other facility, building, residence, [private home,] or other place or part thereof, licensed under the provisions of RSA 151:2. *For the purposes of RSA 151:21, this definition of facility shall not include private homes where home care services are provided.*

2 New Section; Home Care Clients' Bill of Rights. Amend RSA 151 by inserting after section 21-a the following new section:

151:21-b Home Care Clients' Bill of Rights.

I. Home health care providers shall provide their clients with a written copy of the rights and responsibilities listed in paragraphs II and III of this section in advance of or during the initial evaluation visit and before initiation of care. These rights apply only to the services delivered by or on behalf of the home health care provider. If a client cannot read the statement of rights it shall be read to the client in a language such client understands. For a minor or a client needing assistance in understanding these rights, both the client and the parent or legal guardian or other responsible person shall be fully informed of these rights.

II. The statement of rights shall state that at a minimum the client has a right to:

(a) Be treated with consideration, respect, and full recognition of the client's dignity and individuality, including privacy in treatment and personal care and respect for personal property.

(b) Receive appropriate and professional care without discrimination based on race, color, national origin, religion, sex, sexual preference, disability, or age.

(c) Participate in the development and periodic revision of the plan of care, and to be informed in advance of any changes to the plan. (d) Be informed that care is evaluated through the provider's quality assurance program.

(e) Refuse treatment within the confines of the law and to be informed of the consequences of such action, and to be involved in experimental research only upon the client's voluntary written consent.

(f) Voice grievances and suggest changes in service or staff without fear of restraint, discrimination, or reprisal.

(g) Be free from emotional, psychological, sexual, and physical abuse and from exploitation by the home health care provider.

(h) Be free from chemical and physical restraints except as authorized in writing by a physician.

(i) Be ensured of confidential treatment of all information contained in the client's personal and clinical record, including the requirement of the client's written consent to release such information to anyone not otherwise authorized by law to receive it. Medical information contained in the client's record shall be deemed to be the client's property and the client has the right to a copy of such records upon request and at a reasonable cost.

(j) Be informed in advance of the charges for services, including payment for care expected from third parties and any charges the client will be expected to pay.

III. The provider has the right to expect the client will:

(a) Give accurate and complete health information.

(b) Assist in creating and maintaining a safe home environment in which care will be delivered.

(c) Participate in developing and following the plan of care.

(d) Request information about anything that is not understood, and express concerns regarding services provided.

(e) Inform the provider when unable to keep an appointment for a home care visit.

(f) Inform the provider of the existence of, and any changes made to, advance directives.

3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HB 236-FN, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system. **INEXPEDIENT TO LEGISLATE**

Rep. Gene C. Chandler for Public Works: The Committee understands the concerns of those people advocating the eventual reduction to a 10% salt-to-sand ratio, but is unable to approve such a measure at this time. Overriding concerns for safety, commerce, tourism, etc. led the committee to the inexpedient to legislate conclusion. The Department of Transportation shares the salt concern and is participating in and looking at ways to reduce or eliminate the use of salt, but at the moment the best alternative costs \$635 per ton, f.o.b. Wisconsin. The house is being asked to re-refer House Bill 319 which will allow the committee to undertake a full scale, in-depth review of the salt issue and possible alternatives. Vote 19-0.

Rep. Gene Chandler yielded to questions.

Rep. Betty Hall moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Gene Chandler spoke against.

Roll call request not sufficiently seconded.

On a division vote, 84 members having voted in the affirmative and 240 in the negative, the motion failed.

Report adopted.

MOTION

Rep. Keans moved that the remarks on HB 236 be printed in the Journal.

The motion failed.

HB 319, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal. **RE-REFER TO COMMITTEE**

Rep. Raymond Buckley for Public Works: The committee will establish its own ad hoc committee made up of members of the House, Senate, municipal leaders, environmental community and the Department of Transportation to study the issue this year and report back to the entire Public Works Committee later this year. The committee supports the motion of re-refer to keep the opportunity to establish a formal committee next year if needed. Vote 19-0.

Rep. Buckley yielded to questions.

Adopted.

HB 344-A, relative to a municipality's share of construction and repair of bridges and adding the Thompson bridge in Swanzey to the bridge reconstruction plan. **INEXPEDIENT TO LEGISLATE**

Rep. Terence R. Pfaff for Public Works: The committee feels this bill would establish a state funded reimbursement program without allowing the Department of Transportation input on the design and building or the ability to prioritize the bridge work necessary throughout the state. The Public Works Committee commends the town of Swanzey for its rehabilitation of the historic Thompson Covered Bridge. The decision to do so was made with the full knowledge of the cost of said rehabilitation to the town. Vote 18-1.

Rep. Perry spoke against and yielded to questions.

LAIID ON THE TABLE

Rep. Cole moved that **HB 344-A**, relative to a municipality's share of construction and repair of bridges and adding the Thompson bridge in Swanzey to the bridge reconstruction plan, be Laid on the Table.

On a division vote, 184 members having voted in the affirmative and 140 in the negative, the motion was adopted.

HOUSE RESOLUTION NO. 14

amending House Rules 101 through 115.

WHEREAS, the House voted on January 29 to allow House Rules 100 through 115 to be amended by majority vote through February 11, 1993, and

WHEREAS, the Speaker appointed a committee of five to study said rules and to report to the House, and

WHEREAS, the committee has reported its recommendations of amendments in this resolution, now therefore be it

RESOLVED by the House of Representatives;

That House Rules 101 through 115 be amended as follows:

Amend Rule 101 by inserting the word "unexcused" in the last sentence so the rule reads as follows:

Rule 101. Members, Duty to Attend; Attendance Record

It shall be the duty of committee members to attend and participate in all committee meetings. A record of the members present and the members absent at each committee meeting shall be maintained. The chairman shall be responsible for assuring that this record is maintained and shall notify the Speaker of excessive unexcused absences.

Amend Rule 102 by inserting the word "unexcused" before absences so the rule reads as follows:

Rule 102. Excessive Unexcused Absences

Each committee chairman is authorized to request the Speaker to remove from committee membership any member of the committee whose unexcused absences from committee meetings are judged to be excessive in number.

Delete Rules 104 and 105.

Amend Rule 106 by deleting it and replacing it with the following:

Rule 106. The House Clerk's Office shall prepare and publish in the House Calendar a schedule of all committee meetings. Notice of such meetings shall comply with Rules 43(a) and 43(b).

Amend Rule 108 by deleting (1) the name of the committee chairman; and renumber the remaining sections.

Amend Rule 109 to read as follows:

Rule 109. Quorum Required to Transact Business

The presence of a quorum, defined as a majority of each committee, shall be required for a committee to transact business and no official action shall be taken by a committee unless a quorum is present.

Amend Rule 110 to read as follows:

110. Vote Required for Committee Actions; Members Not Participating:

The approval of a majority of the quorum present shall be required for a committee to decide a question or to take official action on any matter; provided however, that a member who has filed a Conflict of Interest statement pursuant to the Ethics Guidelines and Procedures that he/she will not participate, shall not be required to vote and shall not be counted for purposes of determining the number necessary for or for establishing a quorum to act on that question.

Amend Rule 111 to read as follows:

111. Roll Call, Record Votes Required:

At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall appear in the records of the committee as otherwise provided in these rules. In all roll call votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of the members not participating because of a conflict of interest, shall be recorded.

Amend Rules 101 through 115 by renumbering them as 101 through 113.
Reps. Donna Sytek and Croy spoke in favor and yielded to questions.
Adopted.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 18, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 303, changing the manner in which a person accepts nomination for office by write-in vote.

HB 176-FN, establishing a procedure to test and quarantine equines imported from CEM countries.

HB 187-FN, authorizing the division of public health services to charge fees for copies of data or statistical information.

HB 111, repealing the pre-admission screening program for persons entering intermediate care or skilled nursing facilities.

HB 191, establishing a committee to study physician liability with regard to charitable medical care.

HB 373, relative to notification of employees of corrections facilities after exposure to infectious diseases.

HB 406, establishing a committee to study pet overpopulation.

HB 241-FN, creating a committee to study the establishment of procedures for medical decision-making on behalf of patients unable to make decisions for themselves.

HB 120, mandating that workers' compensation benefits collected under New Hampshire law be the exclusive remedy for a person injured in New Hampshire.

HB 216, allowing owners of homes destroyed by natural disaster to place temporary manufactured housing on the lot while the home is being rebuilt.

HB 220, relative to the committee studying the real estate valuation and revaluation process.

HB 227, relative to enforcement of parking violations.

HB 248, to allow municipalities to decide the number of members who serve on recreation or park commissions.

HB 499, changing a reference to a veterans organization and the qualifications for veterans' property tax credits.

HB 126-FN, requiring the commissioner of transportation to establish an adopt-a-highway program.

HB 359, making a technical change relative to class II highways.

HB 287, relative to petition to the division of water resources by a municipality for dam disrepair.

HB 318, changing the requirements for filing notices of intent to cut and reports of cut.

HB 378, relative to the selection of members of the wetlands board.

HB 508, permitting a dam to be constructed on Jenness pond in Northwood.

HB 114, relative to hunting restrictions.

HB 233, relative to the equipment challenge grant program.

HCR 3, encouraging the emphasis of United States military history into the school curriculum and directing that November 1993 be designated as "Armed Forces History Month."

HB 424-FN, permitting the state treasurer to pay the costs of bank services from income generated by the state treasury.

HB 194-FN-LOCAL, relative to rabies control.

HCR 1, relative to a universal health care program in New Hampshire.

HB 208, relative to protecting personal privacy.

HB 169-L, allowing town and school district meetings to be held outside the town or school district.

HB 281, to change the Salisbury and Warner town lines.

HB 229-FN, relative to expenditures from the highway fund.

HB 292, relative to a home care clients' bill of rights.

UNANIMOUS CONSENT

Rep. Douglas Hall addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 5:25 p.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 50-FN-A and 687-FN, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 50-FN-A, relative to the medicaid enhancement tax and making an appropriation therefor. (Gross, Merr/18; A. Torr, Straf/12, to Ways and Means)

HB 687-FN, requiring the installation and use of toll gate barriers at automatic toll collection booths. (Trombly, Merr/4; Disnard, Dist/8, to Public Works)

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 7

Thursday, February 18, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of peace, help us to breathe deeply of this moment, this miracle of now. Beneath the din and fury of great movements and harsh news and urgent crises, make us attentive still to good news, small occasions and the grace of what is possible for us to be, to do, to give and to receive. Amen.

Rep. Lovejoy led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mason, Groves, David Cote, Gervais, Ahlgren, Larochelle, Richard Soucy, Beaulieu, Nardi, Elizabeth Moore, Wells and Julie Brown, the day, illness.

Reps. Stapleton, Boucher, John Chandler, Musler, Burke, Hashem, David Holt, French, Hauck, Lynch, Felch, G. Philip Rodgers, Bonnie McCann, Richards, Simon, Dyer and Bill Johnson, the day, important business.

Reps. Charles Cote and Regan, the day, illness in the family.

INTRODUCTION OF GUESTS

Dr. Michael Becker, guest of Rep. Plourde. Diane Newman, wife of Rep. Newman. Peg, David and Paul Laflam and Nanette, Ross, Max and Ted, wife, sons, daughter, son-in-law and grandsons of Rep. Laflam. McGowan Southworth and Rick Brisson, guests of Speaker Burns.

EXTENSIONS

The Committee on Executive Departments and Administration requested a 14-calendar-day extension on **HB 656-FN**, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988, but before July 1, 1991;

a 16-calendar-day extension on **HB 594**, relative to medical and surgical benefits for group I and group II retired employees;

and 21-calendar extensions on:

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts.

HB 585-FN, requiring state agencies to purchase recycled materials.

HB 673-FN, relative to accounting requirements for moneys received by the state treasurer.

Granted.

The Committee on Health, Human Services and Elderly Affairs requested 14-calendar-day extensions on:

HB 613-FN, changing how earned income is calculated for people who receive aid to the permanently and totally disabled.

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance.

HB 664-FN, relative to the program for the permanently and totally disabled.

Granted.

The Committee on Public Works requested 14-calendar-day extensions on:

HB 605-FN-A-L, establishing a community bridge aid improvement program funded by revenues from road tolls.

HB 659-FN, relative to road tolls on users of special fuel.

Granted.

The Committee on Legislative Administration requests an additional 7-calendar-day extension on **HB 507**, requiring a super majority vote in certain matters of spending and taxation.

Granted.

**SENATE MESSAGE
CONCURRENCE**

HB 104-FN-L, amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal year ending June 30, 1994.

HB 234, relative to the Winnisquam regional cooperative school district and the Tilton and Northfield union school district.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 15

honoring Representative Caroline L. Gross of Concord for receiving the
New Hampshire Bar Association 1993 President's Award
for Distinguished Service to the Public

WHEREAS, Representative Caroline L. Gross is serving her sixth term in the New Hampshire House of Representatives, and

WHEREAS, in her role as majority leader, she is an essential member of the House leadership team, and

WHEREAS, Representative Gross was the recipient of the New Hampshire Bar Association 1993 President's Award for Distinguished Service to the Public at the Bar Association Winter Meeting in Bedford on January 29, 1993, and

WHEREAS, she was recognized by the New Hampshire Bar Association for "her exemplary efforts in support of the Marital Master Program, her work to improve the public's access to the courts, and her tireless leadership over the years to improve the quality of justice for all of New Hampshire's citizens," and

WHEREAS, she accepted the award "on behalf of those of us who still believe that the public can and very often does, deal rationally not only with the law but with the basic Constitution of our state government," and

WHEREAS, Representative Gross, in her acceptance remarks, paid tribute to the members and staff of the House of Representatives for their roles in the successful defense last year of the Trailer Bill lawsuit, now therefore be it

RESOLVED, by the House of Representatives in regular session convened, that Representative Caroline L. Gross be saluted for receiving the New Hampshire Bar Association 1993 President's Award for Distinguished Service to the Public, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to Representative Gross at the House session on February 18, 1993.

Adopted.

**COMMITTEE REPORTS
CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 658-FN, relative to access to health care for the uninsured, was removed at the request of Rep. Copenhaver.

HB 240, modifying the definition of obscene material, was removed at the request of Rep. Arthur Smith.

HB 305, requiring legislative committee chairpersons and vice-chairpersons to be appointed according to party affiliation, was removed at the request of Rep. Marsha Pelletier.

HCR 4, urging Congress to enact legislation that allows citizens of the United States of America to designate a portion of their federal income taxes to be used solely for federal debt reduction, was removed at the request of Rep. Daniels.

HCR 5, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears, was removed at the request of Rep. Hutchinson.

HB 101, categorizing motor vehicle child passenger restraints by age, was removed at the request of Rep. George Katsakiores.

Consent Calendar adopted.

HB 228, requiring children between the ages of one and 12 to wear helmets when riding bicycles, and prohibiting children under one year of age from riding upon bicycles. INEXPEDIENT
TO LEGISLATE

Rep. Carol H. Holden for Children, Youth and Juvenile Justice: It was the consensus of the committee that voluntary helmet use should be encouraged. Testimony from bicycle shop owners and members of the Granite State Wheelmen was opposed to a mandatory law. Bicycle awareness campaigns such as the program offered by the N.H. Extension Service as well as rider training courses held in conjunction with individual police departments should help to reduce accidents and be an alternative to mandatory legislation. Vote 21-0.

HB 582, establishing a legislative oversight committee on the policies and procedures of the division for children and youth services. **INEXPEDIENT TO LEGISLATE**

Rep. Carol H. Holden for Children, Youth and Juvenile Justice: This proposed oversight committee would hold at least one public hearing to discuss the policy and procedures for the Division for Children and Youth Services. A Health and Human Services Oversight Committee as well as a Citizens Advisory Board already exist. Testimony indicated that eight town forums will be held throughout the state to obtain citizen input. Vote 21-0.

HB 186, relative to notice by automobile insurance companies of policy cancellation. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: The bill would have caused excessive expense to insurers with limited results. Vote 16-0.

HB 246, relative to health clubs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The sponsor testified that he wanted the bill reported inexpedient to legislate. Vote 14-0.

HB 293, relative to notice to tenants prior to the sale of a manufactured housing park. **OUGHT TO PASS**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: This bill improves the notice procedures for tenants of a manufactured housing park when a sale of the park is being proposed. Vote 16-0.

HB 313, relative to mortgage insurance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill extends mortgage insurance to mortgagors until they reach the age of 80. It meets the needs of many senior citizens who still are making mortgage payments after the present cut-off age of sixty-five. Vote 17-0.

Amendment (1174B)

Amend the bill by replacing section 1 with the following:

1 Discrimination in Mortgage Insurance. Amend RSA 417:4, VIII(e) to read as follows:

(e) Refusing to insure risks solely because of age (except in the case of life, accident or health insurance), place or area or residence, race, color, creed, national origin, ancestry, marital status, lawful occupation including the military service (except in the case of life, accident or health insurance), of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the name insured or solely because the insured does not insure collateral business with the insurer. *The exemption in this subparagraph shall not permit a mortgage insurance policy or certificate to cease, cancel or terminate prior to the mortgagor's reaching the age of 80 years.*

AMENDED ANALYSIS

This bill prohibits mortgage insurers from cancelling or terminating a mortgage insurance policy or certificate prior to the mortgagor's reaching the age of 80 years.

HB 314, relative to commingling of funds and security deposits. **INEXPEDIENT TO LEGISLATE**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: Under the current law any landlord with less than five tenants may commingle security deposits in their own accounts. The committee felt this exemption has already addressed the sponsor's concerns. Vote 16-0.

HB 327, establishing a committee to study discrepancies between New Hampshire Blue Cross/Blue Shield and Massachusetts Blue Cross/Blue Shield. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: The sponsor of this bill requested that the committee not pursue this bill as he was resolving his problem in discussion with Blue Cross/Blue Shield. Vote 15-0.

HB 333, requiring health insurers to notify New Hampshire policy holders who have out-of-state insurance that they may incur different charges than those insured under an in-state plan by the same company. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: The sponsor of this bill requested that the committee not pursue this bill as he was working out the problem in a different manner. Vote 15-0.

HB 405, relative to financing of manufactured housing. **OUGHT TO PASS**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill makes it possible for lending institutions to treat manufactured housing as any other housing in considering loan applications for such housing. Vote 16-0.

HB 408, providing for grace periods on and adjustments to mortgage payments prior to a foreclosure. **INEXPEDIENT TO LEGISLATE**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: Procedures already in place adequately protect the rights of a mortgagee both before and during the process of foreclosure. As things are now, it can well be a year before a mortgagee is dispossessed. Vote 16-0.

HB 473-FN, exempting certain charitable organizations from certain charitable trust filing fees. **OUGHT TO PASS**

Rep. Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: The Office of the Attorney General regulates charitable trusts and charitable organizations and requires annual reports from them accompanied by an annual \$50 fee. This bill will exempt organizations with assets of less than \$5,000, which have the sole purpose of aiding the state in maintaining state owned property, from this annual fee. The Fiscal Note calls for state decreases in state revenues by \$100 in FY 1994 and each year thereafter. There will be no impact on state, county and local expenditures or on county and local revenues. Vote 14-0.

HB 521, relative to maternity benefits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thea G. Braiterman for Commerce, Small Business and Consumer Affairs: This bill provides that an optional maternity benefits rider may be offered if maternity care is not covered under the insurance policy. Vote 15-0.

Amendment (1262B)

Amend RSA 415-A:4, III(f) as inserted by section 2 of the bill by replacing it with the following:

(f) Statement that a maternity benefits rider will be made available at the insured's request, if maternity care is not covered under the policy. Nothing in this subparagraph shall be construed to apply to disability insurance policies.

HBI 2, examining the practice of selling food and beverage to small grocery stores at the wholesale level. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: This bill would be an anti-consumer bill and would be an attempt to discourage free enterprise. Vote 16-0.

HBI 4, gas pricing in different localities. **INEXPEDIENT TO LEGISLATE**

Rep. Thea G. Braiterman for Commerce, Small Business and Consumer Affairs: The Committee, after discussion, felt that such a study would not be appropriate or productive. Vote 16-0.

HB 339, relative to reporting requirements for elected officials and candidates. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul R. White for Constitutional and Statutory Revision: The Committee felt that this amended bill should help to make needed improvements in the present law. Vote 16-0.

Amendment (1388B)

Amend the bill by replacing section 2 with the following:

2 Disclosure Requirement for Income Received by Elected Officials. Amend RSA 15-B:2 to read as follows:

15-B:2 Disclosure Required. Every elected state and county official, including members of the general court, shall file a statement annually with the secretary of state by June 15 showing any income received by the official during the preceding 12 months ending June 1 from testimonials, gifts, honorariums, donations, or any other source, when the receipt of such income is attributable to the office held by the official. This report shall not include campaign contributions, income received by the official in his regular course of employment or business or salary, mileage, or expense payments made to the official by the state or county for performance of official duties for the preceding 12 months. The statement shall give the *full* name and *post office* address of [any person or other source] *all contributors in alphabetical order* who gave more than [\$100] \$25 of such income and the date received. *All income of \$25 or under shall appear on the statement as unitemized income. Any listing of income which exceeds an individual's aggregate total of \$100 during the calendar year shall also be accompanied by the contributor's occupation and principal place of business, if any.* The statement shall be a public record under RSA 91-A. For the purpose of this section, "income attributable to the office held by the official" means that income or any thing of value which is received by an official in his official capacity, and which would not have been received by the official but for the office he holds.

Amend the bill by replacing sections 4 and 5 with the following:

4 Reporting Requirements for Candidates. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures *or receipts* exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. *The reporting period for the statement filed in the manner and detail prescribed in RSA 664:6, II shall begin on January 1 of the year in which the statement is filed.*

5 Application.

I. The provisions of sections 1-3 of this act relative to the filing by elected officials of statements of financial interests for testimonials, gifts, and honorariums shall apply beginning with the filing period for statements which must be filed by June 15, 1994.

II. The provisions of section 4 of this act relative to the statements which must be filed by candidates at the primary or general election shall first apply to the reporting period beginning on January 1, 1994.

6 Effective Date. This act shall take effect 60 day after its passage.

AMENDED ANALYSIS

This bill changes the reporting requirements which elected officials must meet for the income which they receive from gifts, honorariums, and testimonials, beginning with the statements which must be filed by June 15, 1994. The bill also changes the initial reporting period for candidates relative to their receipts and expenditures so that it begins on January 1 of the reporting year, beginning with the reporting period beginning on January 1, 1994.

HB 446, relative to appointing inspectors of election for school district elections. **INEXPEDIENT TO LEGISLATE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: The Committee believes this legislation would unnecessarily inject partisan politics into a traditionally non-partisan election process. Vote 16-0.

HB 514, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paula L. Philbrook for Constitutional and Statutory Revision: HB 514 is a major house-keeping measure which serves several purposes. It amends dates in the political calendar, redefines some election terms, and clarifies the enforcement under RSA 664. Vote 18-0.

Amendment (1374B)

Amend the bill by deleting sections 2, 32, and 43 and renumbering sections 3-31, 33-42 and 44 to read as 2-41, respectively.

Amend the bill by replacing section 3 with the following:

3 Determining Qualifications of Person to Vote. Amend the introductory paragraph of RSA 654:12, I and RSA 654:12, I(a) to read as follows:

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, may require the applicant to present [any one of the following from each qualification category] *proof of citizenship, age, and domicile, as provided in the following categories:*

(a) Citizenship. *The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship:* the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:

Date:

CITIZENSHIP AFFIDAVIT

Name:

Name at birth if different:

Place of birth:

Date of birth:

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

.....
(Signature of applicant)

The penalty for perjury is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and/or a fine not to exceed \$4,000.

Amend the bill by replacing section 32 with the following:

32 Reporting by Political Committee. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and post office address of the contributor in alphabetical order and the amount of the contribution [and], the date it was received, *the election for which it is to be allocated, and the aggregate year-to-date total for such contributor.* The statement shall be filed not later than the [Wednesday] *Tuesday* 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period [beginning on] *from* the day of the committee registration [and ending on] *up to and including* the [Monday] *Friday* before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing [exceeding \$100] *which exceeds an individual's aggregate total of \$100 during the calendar year* shall be accompanied by the contributor's occupation and principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid and the date paid, with the specific nature and amount of each expenditure since the date of the registration.

AMENDED ANALYSIS

This bill amends the statutory authorization for the secretary of state by specifying that the secretary of state's duties shall be those of both a legislative branch as well as an executive branch officer. The bill also changes the election laws by:

- (1) Amending the dates in the political calendar used by the secretary of state to administer the election laws.
- (2) Changing the number of state primary election ballots which must be furnished by the secretary of state to cities and towns.
- (3) Redefining "election," "candidate," and "expenditure."
- (4) Changing the registration and reporting requirements for political committees and candidates.
- (5) Changing the time for placing and removing political advertising.
- (6) Changing certain penalty provisions for the violation of RSA 664.
- (7) Granting the attorney general additional enforcement authority under RSA 664.
- (8) Clarifying which checklist shall be used at village district elections.
- (9) Changing the procedure for determining the qualifications of an applicant for voter registration.

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jack B. Willis for Constitutional and Statutory Revision: This housekeeping bill contains new definitions, clarifies itemized statements from the Secretary of State and encourages committee treasurers to submit information under RSA 664:6. Vote 16-0.

Amendment (1352B)

Amend RSA 664:2, XIII as inserted by section 1 of the bill by replacing it with the following:

XIII. "Post office address" means an individual's principal place of residence and shall include a street and post office box, if any, city, state and zip code. "Post office address" shall not mean:

- (a) An individual's business address.
- (b) An individual's vacation home address or rental property address when the home or rental property is owned, but not occupied by the contributor.
- (c) Any address not that of the contributor.

Amend RSA 664:2 as inserted by section 1 of the bill by deleting paragraph XVI.

Amend the bill by replacing section 2 with the following:

2 Reporting by Political Committee; Statement Filing Deadlines Changed. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and post office address of the contributor in alphabetical order and the amount of the contribution [and], the date it was received, the *election for which it is to be allocated, and the aggregate year-to-date total for such contributor*. The statement shall be filed not later than the [Wednesday] *Tuesday* 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period [beginning on] *from* the day of the committee registration [and ending on] *up to and including* the [Monday] *Friday* before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing [exceeding \$100] *which exceeds an individual's aggregate total of \$100 during the calendar year* shall be accompanied by the contributor's occupation and principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid and the date paid, with the specific nature and amount of each expenditure since the date of the registration.

AMENDED ANALYSIS

This bill amends the election laws relative to the reporting requirements for political committees and candidates by:

- (1) Adding definitions for "full name," "post office address," "occupation," and "principal place of business."
- (2) Clarifying the information which shall be included in the itemized statements filed with the secretary of state and changing the dates for filing such statements.

(3) Requiring the treasurer of a political committee to use best efforts in obtaining, maintaining, and submitting the information required by law under RSA 664:6.

HB 102, changing the penalty for DWI while transporting a person under the age of 16. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: The bill corrects a technical error in the enrolled bill amendment to 1992 HB 675 relating to DWI penalties while transporting a child. The amendment, requested by the Office of Alcohol and Drug Abuse Prevention, clarifies language in last year's bill. Vote 18-0.

Amendment (1364B)

Amend the title of the bill by replacing it with the following:

AN ACT

changing the penalty for DWI and boating while intoxicated while transporting a person under the age of 16.

Amend the bill by replacing all after the enacting clause with the following:

1 Penalty Changed for DWI While Transporting a Person Under the Age of 16. Amend RSA 265:82-b, VIII to read as follows:

VIII. Any person convicted of a violation of RSA 215-A:11, RSA 265:82 or RSA 265:82-a and who at the time of driving a vehicle or off highway recreational vehicle was transporting a person under the age of 16 shall have his driver's license or privilege to drive revoked for the maximum time period under the section violated and [shall be sentenced to not less than one nor more than 30 days] *the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the state operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention at the person's own expense.*

2 Technical Correction; Penalty for Boating While Intoxicated While Transporting a Person Under the Age of 16. Amend RSA 270:48-a, III, to read as follows:

III. Any person convicted of a violation of this section who[,] at the time of the violation was transporting a person under the age of 16[,] shall [be required to attend a 7-day residential impaired driver intervention program] *not operate a boat on the waters of this state until the offender has successfully completed a 7-day program at the state operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention at the person's own expense. Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.*

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the penalty for DWI while transporting a person under 16 years of age from license revocation and a period of imprisonment to license revocation and attendance at a 7-day residential impaired driver intervention program. The bill clarifies that the same penalty applies to boating while intoxicated while transporting a person under 16 years of age.

This bill is proposed to correct technical errors made in the enrolled bill amendment to 1992, HB 675-FN.

HB 130-FN, relative to illegal possession of alcohol. INEXPEDIENT TO LEGISLATE

Rep. Dana S. Hilliard for Corrections and Criminal Justice: This bill would impose mandatory license revocation on persons under 21 who are convicted of illegal possession of alcohol even if a motor vehicle was not involved. The committee believes that HB 130 goes against the concept that the punishment should fit the crime committed. State laws already provide for adequate punishment of possession of alcohol by minors. Vote 18-0.

HB 131, repealing a penalty provision regarding anabolic steroids. OUGHT TO PASS WITH AMENDMENT

Rep. Sharleene P. Hurst for Corrections and Criminal Justice: This housekeeping bill repeals a current provision of state law which has been superseded by a federal provision with a more severe penalty for illicit use of anabolic steroids. The amendment makes the bill effective on passage. Vote 19-0.

Amendment (1370B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 183-FN, relative to eligibility for parole. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill repeals a law passed last session which prohibits certain prisoners whose parole has been revoked from being eligible for reparole for at least six months. This current law has severely limited the Parole Board's ability to tailor a sensible transition from prison back to society. For this reason the committee recommends passage of the bill. The amendment repeals another section of law prohibiting reparole for three months, and makes the bill effective on passage. Vote 19-0.

Amendment (1336B)

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 651-A:18, IV and V, relative to eligibility for reparole after parole has been revoked, is repealed.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the parole provision which prohibits prisoners whose parole has been revoked, from being eligible for reparole for at least 3 months.

This bill also repeals the parole provision which prohibits prisoners convicted of certain crimes and whose parole has been revoked, from being eligible for reparole for 6 months.

HB 324, relative to conditional discharge of a patient under the mental health laws. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine H. Metzger for Corrections and Criminal Justice: This bill, as amended, modifies the revocation of conditional discharge process. It allows the psychiatrist in charge to designate the treatment team to make the determination of revocation and allows the psychiatrist to identify the treatment facility to which the person is to be delivered. Also the bill removes the Justice of the Peace from the process. Vote 18-0.

Amendment (1358B)

Amend RSA 135-C:51 as inserted by section 1 of the bill by replacing it with the following:

135-C:51 Revocation of Conditional Discharge.

I. If a psychiatrist at a community mental health program providing continuing treatment on an out-patient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

(a) The person has violated a condition of the discharge; or

(b) A condition or circumstance exists which may create a potentially serious likelihood of danger to the person or to others, the psychiatrist may conduct *or cause to be conducted by a treatment team member or an emergency service staff member*, an examination of the person to determine if the conditional discharge should be revoked. The examination may be conducted only after the person has been given written notice of the belief, and the reasons therefor, that a violation of the conditional discharge has occurred or other circumstances or condition exists which may create a potentially serious likelihood of danger to the person or to others.

II. If the person refuses to consent to an examination under paragraph I, the psychiatrist or other representative of the community mental health program may sign a complaint [which shall be sworn to before a justice of the peace. The complaint and the written notice required by paragraph I shall be submitted to the justice of the peace, and if the justice finds an examination is necessary, he may order such an examination]. Upon issuance of such [an order] *a complaint*, any law enforcement officer shall take custody of the person and immediately deliver him to the place specified in the [order] *complaint*.

III. If the psychiatrist, following [personal] *the examination the psychiatrist conducted or caused to be conducted* of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or to others, he may temporarily revoke the conditional

discharge. If the conditional discharge is temporarily revoked, the psychiatrist, *or designee*, shall inform the person affected in writing giving the reasons for the revocation *and the psychiatrist shall identify the receiving facility to which the person is to be delivered.*

IV. A law enforcement officer shall take custody of the person whose conditional discharge was temporarily revoked under paragraph III and deliver him, together with a copy of the notice and the reasons for the temporary revocation, to the receiving facility [from which he was conditionally discharged] *identified by the psychiatrist*, where he shall be personally examined by the administrator of the facility or his designee and the reasons for temporary revocation of the discharge shall be reviewed. Following such examination and review, if the administrator of the facility or his *qualified* designee finds that the person conditionally discharged has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or to others, he may revoke absolutely the conditional discharge. He shall provide to such person written notice of the reasons for the absolute revocation. The person whose conditional discharge has been absolutely revoked shall be subject to the terms and conditions of the order of involuntary admission made pursuant to RSA 135-C:34-54 from which conditional discharge was granted as if the conditional discharge had not been granted.

V. If the psychiatrist [performing] *who conducted or caused to be conducted* an examination under paragraph III, or the administrator of the facility, or [his] *a qualified* designee, performing an examination and review pursuant to paragraph IV finds that the person conditionally discharged either has not violated a condition of the discharge or is not in such a condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or others, the person shall be returned by the program or facility which has custody of the person to the location where he was initially taken into custody.

VI. A person conditionally discharged pursuant to RSA 135-C:50 may be admitted to a receiving facility by an involuntary emergency admission under RSA 135-C:27-33. In such cases, the finding of probable cause for involuntary emergency admission by the district court pursuant to RSA 135-C:31, I, shall constitute an absolute revocation of the conditional discharge and the person shall thereafter be subject to the terms and conditions of the order of involuntary admission made pursuant to RSA 135-C:34-54 from which conditional discharge was granted as if the conditional discharge had not been granted. In such cases, no appeal may be made to the director under RSA 135-C:52.

AMENDED ANALYSIS

This bill allows a doctor to authorize a designee who shall be a treatment team member or an emergency service staff member to examine a person who may have a conditional discharge revoked under the mental health laws. Current law requires the doctor to personally examine such a person.

HB 423-FN, creating a crimeline fund and authorizing judges to order persons convicted of certain offenses to pay an amount to the crimeline fund. **INEXPEDIENT TO LEGISLATE**

Rep. Lowell D. Apple for Corrections and Criminal Justice: This bill would have provided a funding source from surcharges on fines that would have benefited only a few large cities that have crimeline programs, and would not have helped any of the other 200-plus cities and towns. Vote 19-0.

HB 170-FN-A, authorizing the business finance authority to accept private funds for investment purposes. **RE-REFER TO COMMITTEE**

Rep. Arthur P. Klemm, Jr. for Economic Development: The Committee heard testimony from the sponsor and the Business Finance Authority in favor of HB 170-FN-A. Even though no one appeared in opposition, the Committee felt it needed more time to explore the ideas presented. Vote 19-0.

HB 155-FN-L, charging back the costs of education for children in homes or health care facilities to the sending district. **RE-REFER TO COMMITTEE**

Rep. Patricia M. Skinner for Education: The committee realized that this bill conflicts with current law but has merit. Time constraints and further study of current law make continued study necessary. Vote 16-0.

HB 225-FN-L, requiring persons with minimal emergency medical training on buses carrying disabled children. **INEXPEDIENT TO LEGISLATE**

Rep. Suzan L. R. Franks for Education: The committee found after review of current regulations that there exists sufficient requirements for licensing of drivers to provide an environment that is safe and protects students. Vote 16-0.

HB 192, changing the procedure for submission of proposed rules by the air resources division. **RE-REFER TO COMMITTEE**

Rep. Gregory L. Hanselman for Environment and Agriculture: This bill was filed in an attempt to resolve what were acknowledged as administrative problems between the Department of Environmental Services and the Air Resources Council. The Committee recommendation of re-refer gives the parties involved an incentive to correct the situation without legislation. Vote 18-0.

HB 195-FN, relative to the sale of cider. **RE-REFER TO COMMITTEE**

Rep. Leighton C. Pratt for Environment and Agriculture: A subcommittee which considered this bill felt that there are still some questions from the industry. The full committee then decided that the bill needs further study. Vote 14-0.

HB 135, exempting certain properties from the long-range planning process prior to the sale of the property by the division of human services. **OUGHT TO PASS**

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee was unanimous in support of this legislation, which allows the department to occasionally receive property signed over to the department and does not in any way affect the long-range planning process. Vote 14-0.

HB 190-FN, giving the department of resources and economic development stewardship over certain abandoned rail lines. **RE-REFER TO COMMITTEE**

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill gives the Department of Resources and Economic Development stewardship over rail lines which have been condemned, abandoned or over which the state's right of first refusal has been exercised. The Committee recommends re-referral so that the Committee can work out the extensive logistics involved under the stewardship of DRED. Vote 15-0.

HB 213-FN, reorganizing the department of safety. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: The thrust of this bill is to reorganize the Department of Safety. Commissioner Flynn indicated that the present structure and positions were needed. The sponsor asked that the bill be reported out inexpedient to legislate. Vote 12-0.

HB 417-FN, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: The retired police members of the New Hampshire retirement system have sufficient funds in their component of the special account to pay this COLA and leave a balance in the special account. The Fiscal Note calls for no impact on state, county and local revenues and expenditures. Vote 13-0.

Referred to Appropriations.

HB 596-FN, to provide rulemaking notice to municipalities and legislators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Miriam D. Dunn for Executive Departments and Administration: The Rulemaking Register is the only official notice of all rules proposed and adopted by state departments, agencies, boards, commissions, etc. The amendment replaces the bill. It preserves the intent of House Bill 596, but simplifies the procedure by sending the Rulemaking Register to clerks of all municipalities, at no cost to them. Vote 15-0.

Amendment (1295B)

Amend the bill by replacing section 1 with the following:

1 Sending Rulemaking Register to Municipalities and Legislators. RSA 541-A:3-a, VI is repealed and reenacted to read as follows:

VI.(a) The rulemaking register shall be made available upon request to agencies and officials of this state free of charge. The director of legislative services shall send a copy of the rulemaking register to the clerk of each municipality in the state and upon request to any member of the general court free of charge. Copies of the register which are sent to municipalities and to members of the general court shall be sent by first-class mail.

(b) The register shall also be made available upon request to other persons at prices fixed by the director of legislative services to cover mailing and publication costs.

AMENDED ANALYSIS

This bill requires the director of legislative services to send a copy of the rulemaking register to the clerk of each municipality in the state and to any member of the general court who requests a copy of the register. Copies of the rulemaking register shall be sent by first-class mail without charge to the recipient.

HB 617, to prohibit state agencies from charging fees for the inspection of health and safety equipment until after the equipment is actually inspected. **INEXPEDIENT TO LEGISLATE**

Rep. Karen K. McRae for Executive Departments and Administration: The committee felt that the bill did not really address the problem of fees and inspections. The proposed language was contrary to the sponsors' intent. Vote 15-0.

HB 226-FN-A, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Alson W. Brown for Health, Human Services and Elderly Affairs: HB 226 addresses the matter of increasing the personal needs allowance of Medicaid residents in nursing homes. Currently residents receive \$40 a month spending money. This bill would increase their personal allowance to \$60 per month. Although the committee is sympathetic with the intent, it could not justify the 33 percent increase for personal spending money recommended, nor the added financial burden to the state and counties. Vote 14-2.

HB 452-FN, establishing a moratorium on increasing or converting inpatient beds in or to licensed nursing homes, and nursing facilities and to and from residential care facilities and creating a committee to study the issue. **INEXPEDIENT TO LEGISLATE**

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: The committee was unanimous that this issue needs "time" as the certificate of need laws have been changed, which may take care of the problems creating the bill. Vote 18-0.

HB 160-FN, requiring that there be separate nonpublic smoking areas for crime victims and their families in county superior courthouses. **INEXPEDIENT TO LEGISLATE**

Rep. Tyler P. Harwell for Judiciary: The committee was of the opinion that this bill would require substantial capital expenditures by the courts. It would not be in keeping with current policies and laws regarding smoking, or with current spending plans. Vote 15-1.

HB 247, removing the requirement that an executor or trustee under a will give a bond for the payment of debt and legacy and succession taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Judiciary: Committee members were persuaded that the current bonding practices addressed in this bill are necessary for the protection of persons who have liens against the estate. The bond process is an enforcement tool used by the probate courts to enforce the fiduciary responsibilities of administrators. Vote 17-1.

HB 386, allowing the supreme court to change the status of a district court justice from special to full-time, under certain circumstances. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Judiciary: The amendment replaces the entire text of the original bill, putting in place a study committee to look at planning for the district court system. Included in the issues to be looked at are jurisdiction, full time versus part time status, gender balance of the bench and compensation of judges, as well as other concepts of importance to the efficient operation of the courts. Vote 14-3.

Amendment (1386B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the district court system.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; District Court System. A committee is established to conduct a comprehensive study of the district court system. The committee shall consist of the following members:

I. Six house members, 3 of whom shall be members of the judiciary committee and 3 of whom shall be members of the corrections and criminal justice committee, appointed by the speaker of the house.

II. Three senators, appointed by the senate president.

III. Three members of the judicial council, designated by the judicial council.

IV. Three district court justices, appointed by chief justice of the supreme court.

V. The chief justice of the supreme court or designee.

VI. Two executive councilors, appointed by the executive council.

VII. Three attorneys who ordinarily practice before the district courts, appointed by the governor.

2 Appointments; Meetings; Mileage.

I. Appointments to the committee shall be made within 30 days of the effective date of this act. The chief justice of the supreme court or designee shall call the initial meeting within 60 days of the effective date of this act. The committee shall elect a chairperson at its initial meeting.

II. Legislative members shall be entitled to mileage at the legislative rate when attending to duties of the committee.

3 Duties and Report.

I. The committee shall conduct a comprehensive study of the district court system, including but not limited to an examination of the following:

(a) Jurisdiction, the weighted case load, and the gender balance of the district court bench.

(b) The nature and make-up of the court, including whether justices should be full-time or part-time and whether a hybrid system with a combination of full-time and part-time justices and magistrates is most efficient.

(c) Salary and benefits for district court judicial officers.

II. The committee shall submit a report on its findings and recommendations for legislation to the speaker of the house, the senate president, and the governor, on or before July 1, 1995.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee composed of legislators, judges, judicial council members, executive councilors and attorneys to conduct a comprehensive study of the district court system.

HB 397, eliminating de novo appeals in certain cases of license suspension or revocation and changing the venue of such appeals. **INEXPEDIENT TO LEGISLATE**

Rep. Nick Hart for Judiciary: The committee felt that every person should still have his day in court. Vote 18-0.

HB 409, establishing a committee to study and recommend an abortion policy. **INEXPEDIENT TO LEGISLATE**

Rep. Rick G. Newman for Judiciary: The committee believes there are constitutional problems raised by this bill. It feels there is no need to establish a study committee to review this issue. Vote 18-0.

HB 429, limiting liability of trappers for certain accidents involving domestic animals. **INEXPEDIENT TO LEGISLATE**

Rep. Tyler P. Harwell for Judiciary: This bill would absolve any person who sets a trap of all liability for injuries caused to domestic animals which roam beyond the limits of their owner's

property. The committee sees no problem with current law on this subject and believes that it would be imprudent to offer immunity to persons engaged in such pursuits. Vote 11-2.

HB 460, allowing the court to order offenders to pay restitution to the victims' assistance fund. **OUGHT TO PASS**

Rep. Alice Barnard Record for Judiciary: In the case of *State v. Springer*, 133 N.H. 223 (1990), the Supreme Court ruled that courts of this state are prohibited from ordering restitution to third party beneficiaries, a victim of crime, such as insurance companies. The language of this case is broad enough to reach cases involving restitution sought on behalf of the N.H. Victims Compensation Fund. It was recommended that the statute be amended to allow prosecutors to seek — and courts to allow — restitution to the Victims Compensation Fund from those persons convicted of crimes. Vote 16-1.

HB 649, exempting certain transactions between community land trusts and housing cooperatives from the common law rule against perpetuities. **INEXPEDIENT TO LEGISLATE**

Rep. Richard E. Kennedy for Judiciary: This bill exempted a single organization from the rule against perpetuities. After consideration it was determined that any impact would be 50 or more years in the future; therefore if or when, a problem developed at that time their recourse could be to the courts or to the Legislature. Vote 16-1.

HCR 6, relative to an abortion policy **INEXPEDIENT TO LEGISLATE**

Rep. Rick G. Newman for Judiciary: The committee believes this resolution calls for the adoption of an exclusionary policy with regard to voting on an abortion policy. Vote 18-0.

HB 504, relative to organ transplants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: Every time Vocational Rehabilitation funds are tapped to cover catastrophic illness services, 81 people are denied the services necessary to return them to work. This bill would prohibit Vocational Rehabilitation funds from being used for catastrophic illness services. Such services would be covered by one of three catastrophic illness programs currently within Health and Human Services. Vote 14-0.

Amendment (1328B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that the division of vocational rehabilitation has the responsibility to administer many programs related to disabled or injured persons and that its original function was not intended to cover the medical costs for persons with acute illnesses which are rapidly progressive, and require intensive hospitalization or surgery including, but not limited to, organ or bone marrow transplantation. Therefore, the general court hereby declares that the division of vocational rehabilitation shall no longer fund these medical services.

2 Organ and Bone Marrow Transplantations Not Included. The division of vocational rehabilitation, department of education shall not fund or assist in the funding of intensive hospitalization or surgery including, but not limited to, organ or bone marrow transplantations.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 113, expanding the financial authority of towns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: This bill gives towns the same authority as school districts to accept grants, obtain tax anticipation notes and to allow library trustees to accept grants on behalf of the town which become available during the town fiscal year. The amendment provides for public hearing in accordance with the right-to-know law and eliminates the newspaper notice. It provides wording for ballot questions authorizing indefinitely, until specific rescission of such authority, the issuance of tax anticipation notes, transfer of tax liens, or sale of real estate acquired through default. Vote 19-0.

Amendment (1422B)

Amend RSA 31:19-a, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The selectmen may be named as agents to expend such funds. In order to expend such funds, the selectmen shall hold a public hearing in accordance with RSA 91-A prior to the expenditure to be made.

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Method for Allowing Towns to Authorize Tax Anticipation Notes. Amend RSA 33:7 by inserting after paragraph IV the following new paragraph:

V. For tax anticipation notes only, any town at an annual meeting may adopt an article authorizing indefinitely until specific rescission of such authority the issuance of tax anticipation notes. The following shall apply:

(a) Such warrant article to be voted on shall read: "Shall the town accept the provision of RSA 33:7 providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific rescission of such authority, the selectmen to issue tax anticipation notes?"

(b) If a majority of voters voting on the question vote in the affirmative, the proposed warrant article shall be in effect in accordance with the terms of the article until such time as the town meeting votes to rescind its vote.

Amend the bill by replacing sections 8 and 9 with the following:

8 Allowing Selectmen an Indefinite Amount of Time to Transfer Tax Liens or Sell the Property in Question In Certain Circumstances. Amend RSA 80:42, IV to read as follows:

IV. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city council [unless otherwise provided] *provided, however, that the authority to transfer tax liens, or to sell real estate acquired in default of redemption, or to vary the manner of such sale or transfer as justice may require, may be granted for an indefinite period, in which case the warrant article or vote granting such authority shall use the words "indefinitely, until rescinded" or similar language.*

9 Allowing Selectmen an Indefinite Amount of Time to Transfer Tax Liens or Sell the Property in Question in Certain Circumstances. Amend RSA 80:80, IV to read as follows:

IV. Such authority to transfer or to sell shall continue in effect for one year from the date of the town meeting or action by the city or town council [unless otherwise provided] *provided, however, that the authority to transfer tax liens, or to sell real estate acquired in default of redemption, or to vary the manner of such sale or transfer as justice may require, may be granted for an indefinite period, in which case the warrant article or vote granting such authority shall use the words "indefinitely, until rescinded" or similar language.*

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-17 to read as 6-18, respectively:

5 New Paragraph; Tax Anticipation Notes. Amend RSA 33:8-d by inserting after paragraph II the following new paragraph:

III. The issuance of tax anticipation notes shall be authorized by a majority vote of the town council.

HB 209-L, exempting from the property tax structures erected on owned or leased property which are not buildings and not specifically made taxable under the property tax laws. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth A. Cepaitis for Municipal and County Government: After much discussion, the Committee determined that this bill does not appear to solve the problem of which property should be taxed or not taxed. After pursuing the option of appealing to the local governing board, recourse may be sought from the Board of Tax and Land Appeals. Vote 15-0.

HB 238, authorizing a member of a cooperative school district to serve on a town budget committee. OUGHT TO PASS

Rep. Thomas B. Salatiello for Municipal and County Government: This bill authorizes a member of a cooperative school district to serve on a town budget committee. The Committee found that there is no conflict of interest as there is no budgetary relationship between a cooperative school district and a town budget committee. Vote 17-0.

HB 243, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level. OUGHT TO PASS

Rep. Karen O. Wadsworth for Municipal and County Government: This bill responds to the fact that when there is time to plan there is no money, and when there is money, there is no time. The goal is to find a stable funding source for basic land use planning services. Vote 17-0.

HB 244, relative to parking violation enforcement. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Trelfa for Municipal and County Government: HB 244 as amended permits cities and municipalities to create parking fines recoverable by civil process. Testimony indicated that this would be more expeditious than the current criminal process. The bill enables municipalities to adopt bylaws and ordinances to control and enforce parking regulations including provisions for towing or immobilization of vehicles for non-payment of fines. Vote 16-1.

Amendment (1269B)

Amend the bill by replacing all after section 1 with the following:

2 Reference to Automobile Parking Controls Added. Amend RSA 41:11 to read as follows:

41:11 Regulation of Use of Highways, etc.

Unless regulated by the commissioner of public works and highways as provided in RSA 249:5, the selectmen may regulate the use of all public highways, sidewalks, and commons in their respective towns and for this purpose may exercise all the powers conferred on city councils by RSA 47:17, VII [and], VIII, *and XVIII*, and by any other provisions of the laws upon the subject.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 275, allowing towns to create special funds for highway expenditures. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Trelfa for Municipal and County Government: HB 275 is enabling legislation which permits municipalities to set up dedicated non-lapsing highway funds from highway-related revenues, including state highway grants. Is a result of the Highway Fund Sources and Disbursements Study Report. All testimony was favorable. Vote 17-0.

Amendment (1161B)

Amend RSA 31:95-c, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding paragraph IV, towns may establish, pursuant to RSA 31:95-d, special highway funds from appropriate revenues, such as revenues from block grants from the state highway fund, motor vehicle permit fees collected under RSA 261:165, parking meter fees and fines in accordance with RSA 231:131, and any other highway related revenues not otherwise designated by law. Appropriations from the special highway fund shall be used for highway expenditures.

AMENDED ANALYSIS

This bill allows towns to create special revenue funds from appropriate revenues, such as revenue from state highway fund grants, motor vehicle permit fees, parking meter fees and fines, and any other highway related revenue not otherwise designated by law which will be used for highway fund expenditures.

HB 277-L, extending the powers of heritage commissions to historic district commissions. OUGHT TO PASS

Rep. Richard Noyes for Municipal and County Government: The Committee agreed, without dissent, that this bill is essentially a refinement of legislation adopted in the previous session. It creates no new or different powers, but instead more accurately describes what had been part of the initial intent. Vote 15-0.

HB 289, establishing a committee to study the relationships between counties and municipalities. INEXPEDIENT TO LEGISLATE

Rep. Richard Noyes for Municipal and County Government: While there may be reason for a new study of the relationship between counties and municipalities, there are other current avenues toward that study which the Committee believes would be preferable to this bill. The Committee plans an in-house study of this matter. Vote 19-0.

HB 323, allowing municipalities to waive payment of up to 90 days of interest on the amount by which property taxes are in excess of the total amount of property taxes in the previous tax year. INEXPEDIENT TO LEGISLATE

Rep. Richard Noyes for Municipal and County Government: This bill arose out of public inconvenience created by a longer interval between property assessments than is advisable in the interests of sound tax assessment procedures. The Committee believes it is preferable, instead of relieving the pain in such instances, to encourage the best and fairest possible assessment of real property, especially in this state which, more than any other, depends upon the property tax. Vote 18-0.

HB 325, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates. RE-REFER TO COMMITTEE

Rep. Kenneth L. Weyler for Municipal and County Government: The Committee felt that this bill had a worthy purpose. Legal problems were foreseen in the wording that there was no time to work out. Re-referral will permit time to clarify these issues. Vote 19-0.

HB 330, relative to the authority of municipalities to designate certain roads as class V highways. OUGHT TO PASS

Rep. Thomas B. Salatiello for Municipal and County Government: This bill allows the legislative bodies of a town with a town meeting form of government to delegate authority to the selectmen to accept any road as a class V highway if it has been previously approved by the planning board. Vote 16-0.

HB 331, establishing a committee to study the relationship between the state and municipalities regarding home rule. INEXPEDIENT TO LEGISLATE

Rep. Richard Noyes for Municipal and County Government: While the Committee sees merit in the type of study proposed in this bill, it believes there are other relationships in greater need of examination. It would prefer to have any available time and energy for such studies spent in those areas of greater need. Vote 19-0.

HB 342-L, relative to the use of revenue derived from parking meters for public transportation systems. OUGHT TO PASS

Rep. Richard T. Trelfa for Municipal and County Government: The need for public transportation increases yearly throughout New Hampshire. HB 342 permits the use of revenues from parking meters for public transportation. Vote 17-0.

HB 354, relative to electing planning board members in towns without a town council form of government. OUGHT TO PASS WITH AMENDMENT

Rep. Tommy J. St. Martin for Municipal and County Government: This bill allows a town to select an alternative procedure to elect Planning Board members to retain continuity, if the town decides to elect rather than appoint its Planning Board. The current statutory method is retained as an option. Vote 18-0.

Amendment (1199B)

Amend the bill by replacing all after the enacting clause with the following:

1 Electing Planning Board Members in Towns. RSA 673:2, II(b) is repealed and reenacted to read as follows:

(b) The local legislative body may decide, by majority vote at the town meeting, that planning board members shall be elected according to either the procedure in subparagraph (1) or in subparagraph (2). The wording on the ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2) shall specifically state which procedure for electing planning board members is being voted upon. Following the majority vote at town meeting, planning board members shall be elected as follows:

(1) The selectmen shall choose one selectman as an ex officio member and the remaining planning board positions shall be filled at the next regular town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the term provided under RSA 673:5, II; or

(2) The selectmen shall choose one selectman as an ex officio member and the remaining planning board positions shall be filled on a staggered basis at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed member expires, until each mem-

ber of the board is an elected member. The maximum number of elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member is an elected member, such member shall be elected for the term provided in RSA 673:5, II.

2 Appointment of Alternate Planning Board Members. Amend RSA 673:6, I to read as follows:

L(a) The local legislative body may provide for the appointment of not more than 5 alternate members to any appointed local land use board, who shall be appointed by the appointing authority. The terms of alternate members shall be 3 years.

(b) *In a town which votes to elect its planning board members on a staggered basis according to the provisions of RSA 673:2, II(b)(2), alternate members of the planning board shall continue to be appointed according to the provisions of this paragraph until each member of the board is an elected member. Thereafter, the alternate planning board members shall be appointed according to the provisions of paragraph II.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides an alternative procedure to electing planning board members, if the local legislative body in a town without a town council form of government decides that planning board members should be elected. Under this alternative procedure, planning board members shall be elected on a staggered basis as the terms of appointed members expire, until each member of the board is an elected member.

HB 371, relative to the appointment and qualifications of the commissioners of a local housing authority. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth A. Cepaitis for Municipal and County Government: The bill attempted to change the term of office for commissioners from five years to three years and to require that one member of the board be a resident of subsidized housing. The Committee heard from numerous members of local housing authorities who were united in their opposition to the bill. The problem seems to exist in one housing authority and no member of that community appeared at the hearing or submitted written testimony. Vote 19-0.

HB 379, requiring that map and lot numbers be included on deeds. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: A municipal tax map is not considered a legal or binding document to be used for conveyance. Therefore, the Committee believes that the passage of this bill could create confusion and possible liability to both the municipality and the Registry of Deeds. Vote 19-0.

HB 415-FN-L, relative to partial payments of past due property taxes. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: Although the Committee is sympathetic to the plight of overdue property tax payers, it did not believe that this bill would truly alleviate their situation. The amount of interest paid by the taxpayer would not change. The procedure would also greatly increase the municipal tax collector's work load. Vote 18-1.

HB 533, enabling municipalities to bill owners of tax exempt property for services provided. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: The Committee's decision does not reflect any judgment on the merits of this proposal. This issue is currently being studied in HB 498 (passed unanimously on the Consent Calendar January 27), an ongoing study reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties. Vote 15-0.

HB 548, providing staggered terms for county commissioners in Carroll county. OUGHT TO PASS

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: A similar bill was passed two years ago for Belknap and Sullivan Counties. The intent and effect of this bill is to avoid the possibility of having three commissioners on the learning curve at the same time. This system appears to work well. Vote 17-0.

HB 549, authorizing the executive committee of the county convention to suspend county commissioners. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: This bill would seem to address a perceived internal problem within one county. The committee believes that current law is sufficient to address this type of situation. Vote 15-0.

HB 199-FN, requiring municipalities to use state police forms for license applications and licenses to carry pistols and revolvers. **OUGHT TO PASS**

Rep. James J. Fenton for Public Protection and Veterans Affairs: This bill would use the state police form as the municipal standard for application and licensing of pistols and revolvers. It would reduce confusion and the interpretation of the licensing process. Vote 16-0.

HB 363, exempting nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from obtaining such license in this state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert H. Milligan for Public Protection and Veterans Affairs: The committee expressed unanimous approval of this bill as amended. The amendment allows non-residents who possess a license to carry a concealed weapon in their home states to legally do so in New Hampshire provided the non-resident's home state has a reciprocal statute recognizing the right of a New Hampshire licensee to carry a concealed weapon in the non-resident's home state. Vote 16 - 0.

Amendment (1355B)

Amend the title of the bill by replacing it with the following:

AN ACT

exempting certain nonresidents who are peace officers or hold
valid licenses to carry loaded pistols and revolvers
from obtaining such license in this state.

Amend section 1 of the bill by replacing it with the following:

1 New Section; Full Faith and Credit for Licenses from Other States; Reciprocity. Amend RSA 159 by inserting after section 6-c the following new section:

159:6-d Full Faith and Credit for Licenses from Other States; Reciprocity. Notwithstanding the provisions of RSA 159:6, no nonresident holding a current and valid license to carry a loaded pistol or revolver in the state in which he resides or who is a peace officer in the state in which he resides, shall be required to obtain a license to carry a loaded pistol or revolver within this state if:

I. Such nonresident carries upon his person the license held from the state in which he resides; and

II. The state in which such person is a resident provides a reciprocal privilege for residents of this state.

AMENDED ANALYSIS

The bill exempts nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from their states of residence from obtaining such license in this state, provided they carry their out-of-state licenses upon their persons and provided that the state in which such person resides provides a reciprocal privilege.

HB 207-FN, requiring the department of transportation to conduct a study of a portion of United States Route 3 and New Hampshire Routes 3-A and 11. **INEXPEDIENT TO LEGISLATE**

Rep. Terence R. Pfaff for Public Works: In the last session it was agreed to rewrite Senate Bill 60 seeking a Laconia connector to Interstate 93 to form a study committee to study the optimum development for the existing right-of-way from Franklin to Laconia. Funds and study scopes were identified in House Bill 1256, and the study is now well underway with a completion date of November 1, 1993. This bill appeared to have the purpose of including study of a Franklin connector to I-93, which was clearly outside the scope of the current effort. Vote 16-2.

HB 425-A, relative to Hampton harbor dredging and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Sandra B. Keans for Public Works: The hearing was held on January 19, 1993. The committee has held the bill until now waiting for additional information from sponsor. However, none was forth coming. The Department of Transportation has testified that there currently is more than \$300,000 available for dredging, so there is no immediate need, and if an immediate need becomes apparent it can be dealt with in the capital budget. Vote 18-0.

HB 588-FN, reducing the tolls on the Everett turnpike in the town of Merrimack. **INEXPEDIENT TO LEGISLATE**

Rep. Terence R. Pfaff for Public Works: The committee feels the responsibility for setting the tolls properly belongs to the Governor and Executive Council, also the bill offered no RSA. to amend to address this situation. The committee also reviewed two proposed amendments and rejected both amendments. Vote 17-0.

HB 619, upgrading a segment of New Hampshire Route 127 and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Gene C. Chandler for Public Works: House Bill 619 would deal with an upgrade of a small portion of Route 127 in the area of Punch Brook in Franklin. While the committee enjoyed hearing about the origination of Punch Brook, it could not summon the same enthusiasm for the bill. The Department of Transportation testified that when Rt. 127 is upgraded a larger portion would need to be done than is called for in the bill. The sponsor has been urged to bring the Rt. 127 problem before the Governor's Advisory Commission on Highways for future inclusion in the 10-year highway plan. Vote 17-0.

HB 154-FN, modifying the definition of high tide as it applies to wetlands. **RE-REFER TO COMMITTEE**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: While amending the definition of the "high tide" as proposed in HB 154 would be a mistake, the definition used by the Wetlands Board since 1989 includes a great deal more land than previously was the case. Recently, great concern has been expressed by property owners abutting the seacoast because it affects certain activities and maintenance projects around their houses. As it is impossible to ascertain the full extent of these problems during the winter, the Committee wishes to re-refer this bill in order to work with the Office of State Planning and the Wetlands Board on an appropriate solution. Vote 14-0.

HB 252-FN-L, allowing the wetlands board to adopt rules to expedite the permitting process for minimum impact projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah F. Merritt for Resources, Recreation and Development: This bill will allow the Wetlands Board to adopt rules establishing an expedited application and permitting process for certain minimum impact projects. The Department of Environmental Services would be authorized to issue such permits without Board action. This process should decrease the amount of time in which a decision is rendered on a minimum impact project application. Vote 13-0.

Amendment (1335B)

Amend RSA 482-A:11, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The board may adopt rules pursuant to RSA 541-A establishing an expedited application and permitting process for certain minimum impact projects, under which the department of environmental services may issue such permits without board action. The provisions of RSA 482-A:3, I and paragraph III of this section shall apply.

AMENDED ANALYSIS

This bill allows the wetlands board to adopt rules to expedite the permitting process for minimum impact projects.

HB 383, establishing a health and recreation trails committee. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Resources, Recreation and Development: The Committee felt that the needs and concerns of those seeking representation by a Health and Recreation Trails

Committee will be better served by the New Hampshire Statewide Trails Advisory Committee established under HB 223. The passage of the amendment to HB 223 will insure representation of health and recreational interests on the statewide trails advisory committee. Vote 16-0.

HB 466-FN-L, allowing public access for swimming on all great ponds. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: While the Committee was sympathetic to the difficulties experienced by the sponsor while using his boat on Lake Massabesic, it believes that allowing swimming in public water supplies would be a great mistake. On the other hand, water company personnel, charged with the responsibility to enforce the swimming ban, must exercise reasonable judgment if boating is allowed on these ponds. Clearly, wading in bare feet or putting hands in the water while launching and retrieving boats are an insignificant source of pollution compared with what clings to the bottom of boats and trailer tires or frames. Vote 19-0.

HB 609, designating segments of the Ashuelot River for the rivers management program. OUGHT TO PASS

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The committee gives its strong support to the designation of the Ashuelot River for the Rivers Management Program by the passage of HB 609. This river flows 65 miles from Butterfield Pond to the Connecticut River, through nine towns. It is remarkable that no one appeared in opposition to its designation. The supporters of this proposal should be congratulated for a job well done. Vote 13-1.

HB 123, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values. RE-REFER TO COMMITTEE

Rep. Ralph J. Rosen for Science, Technology and Energy: The Federal Highway Administration intends that all federal construction contracts after September 1996 will contain only metric measurements. A study of implementation is necessary, but the committee believes that such study can be better handled in committee, with the committee requesting assistance from other committees and agencies as necessary. This study also will investigate conversion to other metric units and the necessary educational aspects. Re-referral will expedite this process. Vote 13-0.

HB 136, pertaining to the authority and operation of the public utilities commission. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Cogswell and Rep. Clifton C. Below for Science, Technology and Energy: The committee heard testimony regarding numerous situations affecting customers and utilities concerning the authority and operation of the Public Utilities Commission. The committee recommends passage with amendment in order to facilitate greater public participation, to improve PUC administration and expense assessment procedures and to allow the PUC to adopt rules regarding permanent rates. Vote 12-0.

Amendment (1427B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Appearance. Amend RSA 365 by inserting after section 10 the following new section:

365:10-a Appearance. Notwithstanding any other provision of law to the contrary, the commission may in its discretion determine who may appear before the commission on behalf of any party, provided however that the discretion shall not be exercised unreasonably or in a discriminatory manner. All parties will be required to adhere to the commission's rules of practice and procedure in addition to any orders of the commission or agreements between the parties, including but not limited to those concerning confidentiality.

2 Expense of Investigations. Amend RSA 365:37 to read as follows:

365:37 Expense of Investigations.

I. Whenever any investigation shall be necessary to enable the commission to pass upon any petition for authority to issue stocks, bonds, notes, or other evidence of indebtedness, for

authority to operate as a public utility *or to expand operations as a public utility*, to make extensions into new territory, to discontinue service, to condemn property for flowage rights and dam construction, or for authority to sell, consolidate, merge, transfer, or lease the plant, works, or system of any public utility, or any part of the same, *or for any other matter which requires the commission's approval*, the petitioner shall pay to the commission the expense involved in the investigation of the matters covered by said petition, including the amounts expended for experts, accountants, or other assistants[, but not including any part of the salaries or expenses of the commissioners or of employees of the commission or the fees of experts testifying as to values in condemnation proceedings]. *Such expense shall not include any part of the salaries or expenses of the commissioners or of the employees of the commission or, unless the proceeding is being conducted pursuant to RSA 38, the fees of experts testifying as to values in condemnation proceedings.*

II. Whenever the commission institutes a proceeding, or when more than one utility subject to the jurisdiction of the commission shall be involved in a proceeding in which the commission requires the assistance of experts, accountants or other assistants, regardless of whether they petitioned the commission in the first instance, the commission may assess the costs of experts, accountants or other assistants hired by the commission against the utilities and any other parties to the proceeding. The commission shall not, however, assess any such costs against the office of the consumer advocate or against any voluntary corporation, not-for-profit organization, or any municipality unless the municipality is involved in a proceeding before the commission pursuant to RSA 38. In the case of a utility, the assessment of those costs shall be based on the annual revenues of the participating utilities in the same manner as issued in assessing the annual operating expenses of the commission, or as appropriate and equitable on a case by case basis. In the case of a party who is not a utility, the assessment of those costs shall be as appropriate and equitable on a case by case basis. Such expense shall not include any part of the salaries or expenses of the commissioners or of employees of the commission or, unless the proceeding is being conducted pursuant to RSA 38, the fees of experts testifying as to values in condemnation proceedings.

3 Acquisition of Stocks. Amend RSA 374:33 to read as follows:

374:33 Acquiring Stocks, etc. No public utility or public utility holding company as defined in section 2(a)(7)(A) of the Public Utility Holding Company Act of 1935 [or cooperative marketing association organized for purposes of rural electrification] shall directly or indirectly acquire *more than 10 percent, or more than the ownership level which triggers reporting requirements under 15 U.S.C., section 78-P, whichever is less, of the stocks or bonds of any other public utility or public utility holding company incorporated in or doing business in this state, unless [authorized to do so by order of the commission issued upon a finding that] the commission finds that such acquisition is lawful, proper and in the public interest;* provided that]. Nothing in this section shall prevent a public utility being in fact the owner on June 1, 1911, of the majority of the capital stock of any other public utility, or leasing or operating such other public utility, from acquiring the balance or all of the outstanding capital stock of such other public utility a majority of which stock is so owned or which is so leased or operated.

4 Rulemaking Added. Amend RSA 378:28 to read as follows:

378:28 Permanent Rates. So far as possible, the provisions of RSA 378:27 shall be applied by the commission in fixing and determining permanent rates, as well as temporary rates. Nothing herein contained shall preclude the commission from receiving and considering any evidence which may be pertinent and material to the determination of a just and reasonable rate base and a just and reasonable rate of return thereon. *The commission may adopt rules applicable to the recovery of rate case expenses under RSA 541-A.*

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

- (1) Allows the public utilities commission to use its discretion to determine who may appear on behalf of any party.
- (2) Allows the public utilities commission to assess the costs of investigations, including the costs of experts, accountants and other assistants against the petitioning utility or party.
- (3) Allows the commission to adopt rules regarding the recovery of rate case expenses.

HB 276, prohibiting a public utilities commissioner or any staff person from communicating about any adjudicatory proceeding and requiring the office of the consumer advocate to be a party to each case before the commission. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Cogswell for Science, Technology and Energy: The Public Utilities Commission has existing rules and regulations concerning the issues in the bill (RSA 541-A:21 Admin Procedures Act and RSA 363:12c Ex-Parte Communication). This bill would add unnecessary expense for PUC staff. The Consumer Advocate has existing statutory authority to participate in cases. Vote 12-0.

HB 384, allowing the public utilities commission to limit expenditures of a public utility in a rate case. **INEXPEDIENT TO LEGISLATE**

Rep. Richard L. Cogswell for Science, Technology and Energy: The committee found that the Public Utilities Commission has ongoing discussions and a current rulemaking docket pertaining to public notice, and there is other legislation (House Bill 136) addressing the problems relating to this filing. The full committee has indicated its intent to send a letter to the PUC relating to these concerns. The committee recommends this bill be reported out as inexpedient to legislate. Vote 12-0.

HB 121-FN, authorizing a New Hampshire Pearl Harbor survivor special number plate. **INEXPEDIENT TO LEGISLATE**

Rep. Edward J. Crotty for Transportation: House Bill 121 was voted inexpedient to legislate due to the fact that the committee will study in-house all special plates after adjournment and present a bill in the 1994 session. Vote 13-0.

HB 128-FN, relative to the penalty for falsifying applications and to the fee for picture identification cards. **OUGHT TO PASS**

Rep. Edward J. Crotty for Transportation: This housekeeping bill changes the word perjury to unsworn and exempts a person from the \$10 fee for a picture identification if they turn in their drivers license for health or age. If the reason is age, the person must be more than 65 years old. Vote 13-0.

HB 144-FN, relative to refunds for unused vehicle plates. **INEXPEDIENT TO LEGISLATE**

Rep. Fred A. Kruse for Transportation: In the opinion of the committee, this bill would have only minimal effect upon citizens but would place additional administrative burden and, therefore, additional undetermined costs upon the state. Vote 13-0.

HB 188, relative to special number plates for certain veterans. **INEXPEDIENT TO LEGISLATE**

Rep. Edward J. Crotty for Transportation: The committee has several bills before it concerning special license plates for various interest groups as well as a bill to form a study committee to study all specially issued plates. The committee intends to proceed with an in-house study of all specially issued license plates. Vote 13-0.

HB 419-FN-L, requiring seatbelts on all buses transporting school children. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy N. Robertson for Transportation: Previous study committees have found that seat belts in the compartmentalized buses are unnecessary, impractical, and, at times, have negative effects. Testimony was overwhelming against the bill. Vote 13-0.

HB 461-FN, establishing a special organization license plate program. **INEXPEDIENT TO LEGISLATE**

Reps. Roland M. Turgeon and David L. Richards for Transportation: In view of the fact that the Transportation Committee will be doing an in-house study of all special plates, the committee voted to report this bill inexpedient to legislate. Vote 13-0.

HB 117, limiting the possessing or taking of marine mammals and prohibiting the taking of a fin fish or crustacean with mobile gear and salmon and striped bass with any netting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul McGuirk for Wildlife and Marine Resources: At the request of the Fish and Game Department this bill clarifies the statute regarding the possessing and taking of marine mammals.

The bill also bans the use of mobile gear in taking of fin fish or crustaceans, except lobster and crab, in the waters under the jurisdiction of the state, and further bans the taking of all species of salmon and striped bass by netting in any form. For the most part the bill is designed to protect the natural resources of various species. The amendment changes the effective date to upon passage. Vote 11-0.

Amendment (1454B)

Amend the bill by replacing section 3 with the following:
3 Effective Date. This act shall take effect 60 days after its passage.

HB 118, repealing the prohibition against fishing on a certain portion of the Winnicut River. OUGHT TO PASS

Rep. Allen R. Wiggin for Wildlife and Marine Resources: This bill repeals the fishing restriction on fishing on certain portions of the Winnicut River and is long overdue. Vote 11-0.

HB 138, relative to revocation of hunting and fishing privileges and repealing statutory provisions relative to a guide's license to take bear. OUGHT TO PASS WITH AMENDMENT

Rep. Roland J. Lefebvre for Wildlife and Marine Resources: This bill was introduced at the suggestion of the Fish and Game department to better clarify the intent of the law. Vote 15-0.

Amendment (1298B)

Amend the bill by replacing section 1 with the following:

1 Revocation for Conviction; Reference Added. Amend RSA 214:19 to read as follows:

214:19 Revocation for Conviction. The executive director shall revoke the license *or privilege* of any person who has been found guilty in any court of a violation of any provision of this title or any rule or regulation of the executive director, or who has been found guilty in a municipal or district court of a violation of RSA 163-B, RSA 236:26, RSA 265:102 or RSA 635:2. Such revocation shall not continue for more than one year from the date thereof, except for a conviction under RSA 208:8, in which case the revocation may be for a period not to exceed 5 years, or except for a conviction under RSA 208:1-a, in which case the revocation may be for a period not to exceed 2 years. The executive director shall revoke the license *or privilege* of any person who has been found guilty in any court a second time within 5 years of the first finding of guilt, of a violation of any such laws or regulations, for a period of not less than one, nor more than 3 years from the date of such finding or conviction.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

HB 153, prohibiting the buying and selling of bear. OUGHT TO PASS

Rep. Ervin R. Lachut for Wildlife and Marine Resources: This bill places bear in the same classification as deer and moose where the carcass or parts cannot be sold except for head, hide or feet. Vote 15-0.

HB 475, relative to special permits for the use of crossbows by physically disabled persons. OUGHT TO PASS

Rep. Linda Ann Smith for Wildlife and Marine Resources: This bill provides that any person who has lost the use of one or both hands may be issued a special permit to use a crossbow. The committee welcomed the expert testimony of Jeff Waye. Vote 15-0.

REGULAR CALENDAR

HB 447-A, to acquire land at Odiorne Point and making an appropriation therefor.(A) OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Appropriations: This bill acquires 3 1/2 acres, historic house and barn, and an island, abutting Odiorne Point State Park. The purchase eliminates the last remaining threat to the integrity of these unique coastal resources. The funds to acquire these assets is a cash loan from the general fund, repayable from park revenues. The general fund loan is a match with a federal grant both applied to purchase these properties by the state. Vote 21-2.

Amendment (1400B)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. When the state acquired 65 acres of land abutting Odiorne Point State Park on the west side of U.S. Rte. 1-A in Rye, New Hampshire, the owner retained approximately 3 1/2 acres, a historic house and barn, and an island. At that time, the owner granted a right of first refusal to the state of New Hampshire. Subsequently, the state legislature expressed its wish to exercise its right of first refusal by passing authorizing legislation in 1989, 1996, but appropriated only \$1 for purchase of the land. The owner has now expressed his desire to have his remaining lands added to the state park system and thereby eliminate the last remaining threat to the integrity of these unique coastal resources. It shall be the intent of the general court to grant Mr. Ralph Brown a life tenancy at Odiorne Point if this parcel is acquired by the state.

2 Appropriation.

I. The sum of \$400,000 is hereby appropriated to the department of resources and economic development for the fiscal year ending June 30, 1993, for the purposes of section 1 of this act. Of this sum, \$200,000 shall be a charge against the federal funds in the Land and Water Conservation Fund and \$200,000 shall be from the general fund. This appropriation is in addition to any other appropriations to the department of resources and economic development and shall not lapse until June 30, 1994. The governor is authorized to draw his warrant for said sum out of the appropriate funds.

II. Any portion of the state funds appropriated for the purpose of this act in excess of the sum required shall lapse. The state funds in this section shall be used only to match federal funds, as required by state law.

III. Any general funds appropriated to the department of resources and economic development under the provisions of this act shall be treated as an advance from the treasury and shall be repaid to the general fund from state park fund revenues no later than July 1, 1997.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes an appropriation to the department of resources and economic development for the purpose of acquiring land and buildings at Odiorne Point. Any funds appropriated to the department shall be repaid to the general fund from state park fund revenues no later than July 1, 1997.

Adopted.

Report adopted and ordered to third reading.

HB 217-FN, relative to mandatory automobile insurance. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. John B. Hunt for the Majority of Commerce, Small Business and Consumer Affairs: Nothing has changed in the last two years since the committee last took testimony on mandatory auto insurance. New Hampshire still ranks very low (10-12 percent estimated) in the number of uninsured as compared to other states that do have mandatory insurance. The question the committee continues to struggle with is who are these uninsured people and why are they not insuring their autos? If this bill is passed, you may lower the number of uninsured, but you will not remove all uninsured drivers and worse, you will be putting a burden on those who can least afford it, the working poor. If an uninsured motorist gets into an accident and if they are at fault, then under current law they must now get insurance. Even though this may seem after the fact, the feeling of the committee is you are innocent until proven guilty. The bottom line is that insurance is for you to protect your assets. If you believe someone else's insurance will cover you if they are at fault, you will be greatly disappointed. Vote 13-4.

Rep. Matthew J. Newland for the Minority of Commerce, Small Business and Consumer Affairs: Insufficient information was presented in favor of mandatory auto insurance. Forty-three states have mandatory auto insurance. More than 50 percent of all accidents in 1992 involved uninsured motorists.

Adopted.

HB 326, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession. OUGHT TO PASS WITH AMENDMENT

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: HB 326, as amended, defines motor vehicle repossession and requires a person who repossesses a motor vehicle to

notify the local police or county sheriff of the repossession, both prior to and after the repossession. Vote 14-3.

Rep. Bonnie Packard moved Recommit to Committee and spoke in favor.
Adopted.

HCR 10, encouraging Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to commercial banks and to repeal those laws and regulations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: New Hampshire has a need for more lending in a less burdensome and restrictive manner. The committee wishes to urge Congress to examine these regulations and act accordingly in our behalf. Vote 17-0.

Amendment (1191B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

encouraging Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to banks and to repeal those laws and regulations.

Amend the resolution by replacing all after the title with the following:

Whereas, New Hampshire banks have a commitment to meet the financial needs of their communities; and

Whereas, New Hampshire's economy has suffered greatly in the past 2 years; and

Whereas, New Hampshire banks must remain healthy and profitable in order to participate in the state's economic recovery; and

Whereas, New Hampshire's small businesses need bank credit to assist in the state's economic recovery; and

Whereas, Congress and federal regulators have reacted to the savings and loan crisis by enacting onerous laws and regulations; and

Whereas, these new regulations and laws, specifically FIRREA and FDICIA, mandate that banks apply many more restrictive guidelines in their management and lending practices; and

Whereas, compliance with these new restrictive guidelines will cost New Hampshire banks and their customers an estimated \$87.5 million; and

Whereas, those funds could be better utilized by meeting the credit needs of New Hampshire businesses; now, therefore, be it:

Resolved, by the House of Representatives, the Senate concurring:

That the Congress is encouraged to examine federal laws and regulations which relate to the regulatory and paperwork burden of commercial banks and to repeal those laws and regulations which are unfairly restrictive and burdensome; and

That President Clinton is urged to issue an executive order to alleviate the unnecessary burdens and restrictions of these laws and regulations; and

That copies of this resolution shall be transmitted by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This house concurrent resolution encourages Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to banks and to repeal those laws and regulations. It also urges the President to issue an executive order regarding federal banking laws and regulations.

Adopted.

Report adopted and ordered to third reading.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the Rules be so far suspended as to permit third reading, and final passage at the present time of HCR 10, encouraging Congress to examine federal bank-

ing laws and regulations to determine which laws and regulations are overly restrictive and burdensome to banks and to repeal those laws and regulations.

Adopted by the necessary two-thirds.

Third reading and final passage

HCR 10, encouraging Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to banks and to repeal those laws and regulations.

HB 381, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot. **OUGHT TO PASS**

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The Committee believes the integrity of the election process is very important. HB 381 provides the public with a greater sense of trust and reassurance that the electoral system is open and fair. Vote 15-2.

Rep. John Sytek spoke against.

Rep. Gilmore spoke in favor.

Adopted and ordered to third reading.

HB 448, to define total expenditures made during a state primary campaign. **OUGHT TO PASS**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: The intent of this bill is to extend the period for reporting expenditures made to influence a state primary or general election to include those expenditures made prior to a formal declaration of candidacy. Vote 16-2.

Adopted and ordered to third reading.

HB 477, to change the date for holding the state primary election. **INEXPEDIENT TO LEGISLATE**

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The Committee believes it is premature at this time to change the date for the primary from September to June. Vote 17-0.

Rep. Teague spoke against.

Reps. Gilmore and Gross spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Teague moved that HB 477, to change the date for holding the state primary election, be laid on the table.

The motion failed.

Report adopted.

HB 490, permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. LeRoy S. Dube for the Majority of Constitutional and Statutory Revision: Inexpedient to Legislate is a vote to maintain the current law. An undeclared voter, when he picks up a ballot in a primary, is declaring that he supports the principles of that party. To allow a person whose intention when he votes to not support that party is dead wrong. Vote 10-8.

Rep. Gary R. Gilmore for the Minority of Constitutional and Statutory Revision: The minority of the Committee firmly believes that this bill is needed. There is presently a law that permits political parties not to allow undeclared voters to vote in a primary. The present system actively discourages undeclared voters from participating in the primary. Undeclared voters should be encouraged to vote and not be punished. This bill would make re-registering simple and efficient.

Rep. Gilmore moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Jasper and White spoke against and yielded to questions.

Reps. Willis and Holden spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 182**NAYS 173****YEAS 182
BELKNAP**

Salatiello, Thomas

Smith, Linda

CARROLL

Bradley, Jeb

Wiggin, Gordon

CHESHIREAvery, Stephen
DePecol, Benjamin
Manning, Joseph
Richardson, Barbara
Russell, RonaldBonneau, Sarah
Foster, Katherine
McGuirk, Paul
Riley, WilliamBurnham, Daniel
Hunt, John
McNamara, Wanda
Robertson, TimothyChampagne, Richard
Kingsbury, H. Thayer
Pratt, Irene
Royce, H. Charles**COOS**Bradley, Paula
Mears, EdgarCoulombe, Henry
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

GRAFTONBean, Pamela
Crory, Elizabeth
Larson, Nils, Jr.Below, Clifton
Eaton, Stephanie
McIlwaine, DeborahBrown, Patricia
Guest, Robert
Nordgren, SharonCopenhaver, Marion
Ham, Bonnie
Teschner, Douglass**HILLSBOROUGH**Ackerman, Philip
Asselin, Robert
Bowers, Dorothy
Daigle, Robert
Dwyer, Patricia
Foster, Linda
Hall, Betty
Hunter, Bruce
Kirby, Thomas
Lefebvre, Roland
Martin, Mary Ellen
Moncrief, Keith
Pepino, Leo
Smart, John
White, JohnAhern, Richard
Bagley, Amy
Calawa, Leon, Jr.
Domaingue, Jacquelyn
Dykstra, Leona
Gage, Ruth
Hanselman, Gregory
Jean, Claudette
L'Heureux, Robert
Lessard, Rudy
McRae, Karen
Morello, Michael
Philbrook, Paula
Soucy, DonnaAllen, W. Gordon
Bergeron, Lucien
Clemons, Jane
Drabinowicz, A. Theresa
Ferguson, Charles
Gosselin, Gerald
Healy, Daniel
Johnson, Lionel
Laughlin, J. Francis
Lown, Elizabeth
Messier, Irene
Murphy, Robert
Plourde, Alphonse
Toomey, KathrynAndrews, Frederick
Bergeron, Normand
Crotty, Edward
Durham, Susan
Fields, Dennis
Haettenschwiller, Alphonse
Holden, Carol
Kelley, Dana
Leclerc, Charles
Lozeau, Donnalee
Milligan, Robert
Paquette, Rodolphe
Reidy, Frank
Turgeon, Roland**MERRIMACK**Braiterman, Thea
Hall, Douglas
Langer, Ray
Owen, Derek
Teague, Bert
Weeks, John, Jr.Carter, Susan
Johnson, C. William
Lockwood, Robert
Rogers, Katherine
Trombly, Rick
Whittemore, JamesDaneault, Gabriel
Johnson, Joyce May
Moore, Carol
Shaw, Randall
Wallner, Mary Jane
Willis, JackDunn, Miriam
Kennedy, Richard
Newland, Matthew
Soldati, Jennifer
Ward, Jay
Yeaton, Charles**ROCKINGHAM**Aranda, M. Kathryn
Caswell, Albert, Jr.
Hazelton, Robert
Moore, Benjamin
Pratt, Katharin
Skinner, Patricia
Terinko, MargaretArndt, Janet
Clark, Martha
Hurst, Sharleene
Newman, Rick
Rosencrantz, James
Splaine, James
Vaughn, CharlesBattles, Marjorie
Coes, Betsy
Kane, Cecelia
O'Keefe, Patricia
Rubin, George
St. Martin, Tommy
Williamson, WilliamBell, Juanita
Crossman, Harold, Jr.
McGovern, Cynthia
Pantelakos, Laura
Schanda, Joseph, Sr.
Syracusa, Anthony
Yennaco, Carol

STRAFFORD

Brown, George	Chagnon, Ronald	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hemon, Roland	Keans, Sandra	Knowles, William
Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory
Merrill, Amanda	Merritt, Deborah	O'Brien, John	Pageotte, Donald
Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair	Sullivan, Henry
Torr, Ralph	Vincent, Francis	Wall, Janet	Wheeler, Katherine

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Lindblade, Eric
Palmer, Lorraine	Stamatakis, Carol		

NAYS 173**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hawkins, Robert	Holbrook, Robert	Johnson, Carl
Lafam, Robert	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Turner, Robert	Ziegra, Alice		

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Allen	

CHESHIRE

Cole, Stacey	Delano, Robert	Pearson, Gertrude	Perry, David
Smith, Edwin	Young, David		

COOS

Foss, Frederic	Guay, Lawrence	Harwell, Tyler	Horton, Lynn
Merrill, Gerald	Pratt, Leighton		

GRAFTON

Brown, Alson	Brown, Channing	Chase, Paul, Jr.	Driscoll, William
Gordon, Edward	Hill, Richard	LaMott, Paul	Rose, William
Scanlan, David	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen
White, Paul			

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Arnold, Barbara	Arnold, Thomas, Jr.
Borsa, Andrew	Buckley, Raymond	Cepaitis, Elizabeth	Chabot, Robert
Cowenhoven, Garret	Daniels, Gary	Desrosiers, William	Dodge, Emma
Donovan, Francis	Drolet, Paul	Fenton, James	Franks, Suzan
Gagnon, Eugene	Greenberg, Gary	Hart, Nick	Holley, Sylvia
Holt, Mark	Jasper, Shawn	Jean, Loren	Kelley, Robert
Kurk, Neal	Lachut, Ervin	McCarty, Winston	McNerney, Daniel
Mercer, Robert	Mittelman, David	Morrisette, Roland	O'Rourke, Joanne
Packard, Bonnie	Perkins, Paul	Peters, Stanley	Record, Alice
Rheault, Lillian	Riley, Frances	Rothhaus, Finlay	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Smith, Leonard	Tate, Joan
Upton, Barbara	Vanderlosk, Stanley	Weergang, Alida	Wheeler, Robert
Wright, George			

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Chandler, Earle
Feuerstein, Martin	Fillion, Paul	Gross, Caroline	Hill, Michael
Holmes, Mary	Houlahan, Thomas	Kidder, William	Nichols, Avis
Whalley, Michael			

ROCKINGHAM

Blake, Daniel	Bove, Martin	Campbell, Marilyn	Chester, Sherman
Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet	Cote, Patricia
Crum, William, Jr.	DiPietro, Carmela	Dowd, Sandra	Dowling, Patricia
Drake, Herbert	Dube, LeRoy	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis
Gorman, Donald	Hemenway, Thomas	Hutchinson, Karen	Johnson, Robert
Katsakiores, George	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Noyes, Richard	Packard, Sherman	Pullman, Robert
Putnam, Ed, II	Raynowska, Bernard	Ritzo, Eugene	Senter, Marilyn
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Sytek, Donna
Sytek, John	Warburton, Calvin	Welch, David	Woods, Deborah

STRAFFORD

Callaghan, Frank	Douglass, Clyde	Hilliard, Dana	Kincaid, William
McKinley, Robert	Nehring, William	Spear, Barbara	Torr, Ann
Torr, Franklin	Wasson, Richard		

SULLIVAN

Domini, Irene	Rodeschin, Beverly	Schotanus, Merle
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and the motion passed.

Ordered to third reading.

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jack B. Willis for the Majority of Constitutional and Statutory Revision: After reconsideration, the Majority believed this bill would encourage a party to decide on a candidate who truly represents the philosophy of its membership. At present, the public is confused. HB 531 solves this problem. It does not disenfranchise voters as they are still able to vote for any candidate on the general election ballot. Vote 10-7.

Rep. C. Donald Stritch for the Minority of Constitutional and Statutory Revision: This bill denies the voters of New Hampshire the right to choose their party candidates for public offices. No person who votes in any election should ever have his or her vote discounted without cause. Any bill that disenfranchises people should not pass.

Rep. Stritch moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Reps. Philbrook and Fenton spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 141**NAYS 213****YEAS 141****BELKNAP**

Bartlett, Gordon	Dewhirst, Glenn	Golden, Paul	Hawkins, Robert
Holbrook, Robert	Johnson, Carl	Lawton, David	Smith, Linda
Ziegler, Alice			

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Mock, Henry	Philbrick, Donald
Saunders, Howard			

CHESHIRE

Avery, Stephen	Hunt, John	Manning, Joseph	McNamara, Wanda
Perry, David	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Young, David			

COOS

Guay, Lawrence

Horton, Lynn

GRAFTON

Bean, Pamela
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Channing
Larson, Nils, Jr.
Trelfa, Richard

Chase, Paul, Jr.
McIlwaine, Deborah
Wadsworth, Karen

Gordon, Edward
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahem, Richard
Calawa, Leon, Jr.
Dykstra, Leona
Greenberg, Gary
Jasper, Shawn
Kurk, Neal
Mercer, Robert
Paquette, Rodolphe
Rothhaus, Finlay
Smith, Leonard

Amidon, Eleanor
Cepaitis, Elizabeth
Ferguson, Charles
Hanselman, Gregory
Jean, Loren
Laughlin, J. Francis
Moncrief, Keith
Perkins, Paul
Sallada, Roland
Upton, Barbara

Borsa, Andrew
Dodge, Emma
Franks, Suzan
Hart, Nick
Kelley, Dana
Lefebvre, Roland
Morello, Michael
Peters, Stanley
Sargent, Maxwell
Weergang, Alida

Bowers, Dorothy
Drolet, Paul
Gagnon, Eugene
Holden, Carol
Kelley, Robert
McNerney, Daniel
Packard, Bonnie
Plourde, Alphonse
Searles, Stanley, Sr.

MERRIMACK

Apple, Lowell
Feuerstein, Martin
Holmes, Mary

Barberia, Richard
Gross, Caroline
Kennedy, Richard

Buessing, Marjorie
Hall, Douglas
Kidder, William

Carter, Susan
Hill, Michael
Lockwood, Robert

ROCKINGHAM

Aranda, M. Kathryn
Chester, Sherman
DiPietro, Carmela
Flanagan, Natalie
Katsakiores, George
McKinney, Betsy
Pullman, Robert
Skinner, Patricia
Welch, David

Battles, Marjorie
Christie, Andrew, Jr.
Dowd, Sandra
Gage, Beverly
Kruse, Fred
Miller, Don
Putnam, Ed, II
Stone, Joseph
Woods, Deborah

Bove, Martin
Conroy, Janet
Drake, Herbert
Gorman, Donald
Lee, Rebecca
Moore, Benjamin
Ritzo, Eugene
Stritch, C. Donald

Campbell, Marilyn
Cote, Patricia
Dube, LeRoy
Johnson, Robert
Malcolm, Kenneth
Pratt, Katharin
Senter, Marilyn
Warburton, Calvin

STRAFFORD

Hemon, Roland
Torr, Ann

Loder, Suzanne
Torr, Franklin

McKinley, Robert
Wasson, Richard

Spear, Barbara

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

Holl, Ann
Stamatakis, Carol

Lindblade, Eric

NAYS 213**BELKNAP**

Cain, Thomas
Rosen, Ralph

Campbell, Richard, Jr.
Salatiello, Thomas

Lafiam, Robert
Turner, Robert

Rice, Thomas, Jr.

CARROLL

Foster, Robert

Lyman, L. Randy

Wiggin, Allen

Wiggin, Gordon

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
McGuirk, Paul
Russell, Ronald

Burnham, Daniel
Delano, Robert
Pearson, Gertrude
Smith, Edwin

Champagne, Richard
Foster, Katherine
Pratt, Irene

Cole, Stacey
Kingsbury, H. Thayer
Riley, William

COOS

Bradley, Paula
Hawkinson, Marie
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine
Wiswell, James

Foss, Frederic
Mears, Edgar

Harwell, Tyler
Merrill, Gerald

GRAFTON

Adams, Carl
Copenhaver, Marion
Guest, Robert
Rose, William

Below, Clifton
Crory, Elizabeth
Ham, Bonnie

Brown, Alson
Driscoll, William
Hill, Richard

Brown, Patricia
Eaton, Stephanie
Nordgren, Sharon

HILLSBOROUGH

Ackerman, Philip
Arnold, Barbara
Bergeron, Lucien
Clemons, Jane
Domaingue, Jacquelyn
Dwyer, Patricia
Gage, Ruth
Healy, Daniel
Jean, Claudette
Lachut, Ervin
Lozeau, Donnalee
Messier, Irene
Murphy, Robert
Record, Alice
Smart, John
Turgeon, Roland
Wright, George

Ahrens, Frederick
Arnold, Thomas, Jr.
Bergeron, Normand
Daigle, Robert
Donovan, Francis
Fenton, James
Gosselin, Gerald
Holley, Sylvia
Johnson, Lionel
Leclerc, Charles
Martin, Mary Ellen
Milligan, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
Vanderlosk, Stanley

Allen, W. Gordon
Asselin, Robert
Buckley, Raymond
Daniels, Gary
Drabinowicz, A. Theresa
Fields, Dennis
Haettenschwiller, Alphonse
Holt, Mark
Kirby, Thomas
Lessard, Rudy
McCarty, Winston
Mittelman, David
Pepino, Leo
Rheault, Lillian
Tate, Joan
Wheeler, Robert

Andrews, Frederick
Bagley, Amy
Chabot, Robert
Desrosiers, William
Durham, Susan
Foster, Linda
Hall, Betty
Hunter, Bruce
L'Heureux, Robert
Lown, Elizabeth
McRae, Karen
Morrissette, Roland
Philbrook, Paula
Riley, Frances
Toomey, Kathryn
White, John

MERRIMACK

Braiterman, Thea
Fillion, Paul
Langer, Ray
Owen, Derek
Teague, Bert
Weeks, John, Jr.
Yeaton, Charles

Chandler, Earle
Houlahan, Thomas
Moore, Carol
Rogers, Katherine
Trombly, Rick
Whalley, Michael

Daneault, Gabriel
Johnson, C. William
Newland, Matthew
Shaw, Randall
Wallner, Mary Jane
Whittemore, James

Dunn, Miriam
Johnson, Joyce May
Nichols, Avis
Soldati, Jennifer
Ward, Jay
Willis, Jack

ROCKINGHAM

Arndt, Janet
Clark, Martha
Crum, William, Jr.
Flanders, John, Sr.
Hurst, Sharleene
Klemm, Arthur, Jr.
Noyes, Richard
Raynowska, Bernard
Smith, Arthur
Sytek, Donna
Williamson, William

Bell, Juanita
Clark, Vivian
Dowling, Patricia
Gargiulo, Louis
Hutchinson, Karen
Lovejoy, Marian
O'Keefe, Patricia
Rosencrantz, James
Splaine, James
Sytek, John
Yennaco, Carol

Blake, Daniel
Coes, Betsy
Fesh, Robert
Hazelton, Robert
Kane, Cecelia
McGovern, Cynthia
Packard, Sherman
Rubin, George
St. Martin, Tommy
Terninko, Margaret

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Flanders, David
Hemenway, Thomas
Klemarczyk, Thaddeus
Newman, Rick
Pantelakos, Laura
Schanda, Joseph, Sr.
Syracusa, Anthony
Vaughn, Charles

STRAFFORD

Brown, George
Dunlap, Patricia
Keans, Sandra
McCann, William, Jr.

Callaghan, Frank
Gilmore, Gary
Kincaid, William
McGrath, J. Gregory

Chagnon, Ronald
Hambrick, Patricia
Knowles, William
Merrill, Amanda

Douglass, Clyde
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah

Nehring, William
Rogers, Rose Marie
Vincent, Francis

O'Brien, John
Snyder, Clair
Wall, Janet

Pageotte, Donald
Sullivan, Henry
Wheeler, Katherine

Pelletier, Arthur
Torr, Ralph

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John

Domini, Irene

and the motion failed.

Rep. Gorman moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Reps. Hurst and Fenton spoke against.

Rep. Warburton spoke in favor and yielded to questions. Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 148

NAYS 210

Dewhirst, Glenn
Lawton, David

Golden, Paul
Smith, Linda

Holbrook, Robert
Ziegler, Alice

Johnson, Carl

YEAS 148 BELKNAP

Allard, Nanci
Dickinson, Howard, Jr.

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Mock, Henry

Cogswell, Richard
Wiggin, Gordon

CARROLL

Avery, Stephen
Manning, Joseph
Royce, H. Charles

Cole, Stacey
McNamara, Wanda

Delano, Robert
Richardson, Barbara

Hunt, John
Robertson, Timothy

CHESHIRE

Coulombe, Henry

Foss, Frederic

Guay, Lawrence

Horton, Lynn

COOS

Bean, Pamela
Driscoll, William
McIlwaine, Deborah
Wadsworth, Karen

Brown, Alson
Gordon, Edward
Scanlan, David
Ward, Kathleen

Brown, Channing
Ham, Bonnie
Teschner, Douglass
White, Paul

Brown, Patricia
LaMott, Paul
Trelfa, Richard

GRAFTON

HILLSBOROUGH

Ahern, Richard
Bowers, Dorothy
Daniels, Gary
Greenberg, Gary
Jean, Loren
L'Heureux, Robert
McNemey, Daniel
Pepino, Leo
Searles, Stanley, Sr.

Amidon, Eleanor
Calawa, Leon, Jr.
Durham, Susan
Hanselman, Gregory
Kelley, Dana
Leclerc, Charles
Mercer, Robert
Perkins, Paul
Smith, Leonard

Arnold, Barbara
Cowenhoven, Garret
Ferguson, Charles
Hart, Nick
Kelley, Robert
Lefebvre, Roland
Moncrief, Keith
Rothhaus, Finlay
Turgeon, Roland

Borsa, Andrew
Daigle, Robert
Franks, Suzan
Holden, Carol
Kurk, Neal
Martin, Mary Ellen
Packard, Bonnie
Sargent, Maxwell
Upton, Barbara

MERRIMACK

Apple, Lowell
Feuerstein, Martin
Kennedy, Richard
Pfaff, Terence

Barberia, Richard
Hill, Michael
Kidder, William
Ward, Jay

Buessing, Marjorie
Holmes, Mary
Lockwood, Robert
Weeks, John, Jr.

Carter, Susan
Houlahan, Thomas
Owen, Derek

ROCKINGHAM

Aranda, M. Kathryn
Conroy, Janet

Battles, Marjorie
Cote, Patricia

Bove, Martin
Crossman, Harold, Jr.

Chester, Sherman
Dowd, Sandra

Drake, Herbert
Gorman, Donald
Lovejoy, Marian
Moore, Benjamin
Putnam, Ed, II
Skinner, Patricia
Welch, David

Dube, LeRoy
Johnson, Robert
Malcolm, Kenneth
Packard, Sherman
Ritzo, Eugene
Stritch, C. Donald
Weyler, Kenneth

Flanagan, Natalie
Kruse, Fred
McKinney, Betsy
Pratt, Katharin
Rubin, George
Termino, Margaret
Woods, Deborah

Gage, Beverly
Lee, Rebecca
Miller, Don
Pullman, Robert
Senter, Merilyn
Warburton, Calvin
Yennaco, Carol

Chagnon, Ronald
Loder, Suzanne
Torr, Ann

Douglass, Clyde
McKinley, Robert
Torr, Franklin

Heron, Roland
Nehring, William

Kincaid, William
Spear, Barbara

STRAFFORD

Behrens, Thomas
Peyron, Fredrik

Flint, Gordon
Rodeschin, Beverly

Holl, Ann
Schotanus, Merle

Lindblade, Eric
Stamatakis, Carol

SULLIVAN

Bartlett, Gordon
Lafam, Robert
Turner, Robert

Cain, Thomas
Rice, Thomas, Jr.

Campbell, Richard, Jr.
Rosen, Ralph

Hawkins, Robert
Salatiello, Thomas

NAYS 210

BELKNAP

Beach, Mildred
Wiggin, Allen

Foster, Robert

Philbrick, Donald

Saunders, Howard

CARROLL

Bonneau, Sarah
Foster, Katherine
Perry, David
Smith, Edwin

Burnham, Daniel
Kingsbury, H. Thayer
Pratt, Irene
Young, David

Champagne, Richard
McGuirk, Paul
Riley, William

DePecol, Benjamin
Pearson, Gertrude
Russell, Ronald

CHESHIRE

Bradley, Paula
Mears, Edgar

Harwell, Tyler
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

Mayhew, Josephine
Wiswell, James

COOS

Adams, Carl
Crony, Elizabeth
Larson, Nils, Jr.

Below, Clifton
Eaton, Stephanie
Nordgren, Sharon

Chase, Paul, Jr.
Guest, Robert
Rose, William

Copenhaver, Marion
Hill, Richard

GRAFTON

Ackerman, Philip
Arnold, Thomas, Jr.
Bergeron, Normand
Clemons, Jane
Donovan, Francis
Dykstra, Leona
Gage, Ruth
Hall, Betty
Hunter, Bruce
Kirby, Thomas
Lown, Elizabeth
Messier, Irene
Morrisette, Roland
Peters, Stanley
Reidy, Frank

Ahrens, Frederick
Asselin, Robert
Buckley, Raymond
Desrosiers, William
Drabinowicz, A. Theresa
Fenton, James
Gagnon, Eugene
Healy, Daniel
Jasper, Shawn
Lachut, Ervin
Lozeau, Donnalee
Milligan, Robert
Murphy, Robert
Philbrook, Paula
Rheault, Lillian

Allen, W. Gordon
Bagley, Amy
Cepaitis, Elizabeth
Dodge, Emma
Drolet, Paul
Fields, Dennis
Gosselin, Gerald
Holley, Sylvia
Jean, Claudette
Laughlin, J. Francis
McCarty, Winston
Mittelman, David
O'Rourke, Joanne
Plourde, Alphonse
Riley, Frances

Andrews, Frederick
Bergeron, Lucien
Chabot, Robert
Domaingue, Jacquelyn
Dwyer, Patricia
Foster, Linda
Haettenschwiller, Alphonse
Holt, Mark
Johnson, Lionel
Lessard, Rudy
McRae, Karen
Morello, Michael
Paquette, Rodolphe
Record, Alice
Sallada, Roland

HILLSBOROUGH

Smart, John
Vanderlosk, Stanley
Wright, George

Soucy, Donna
Weergang, Alida

Tate, Joan
Wheeler, Robert

Toomey, Kathryn
White, John

MERRIMACK

Braiterman, Thea
Fillion, Paul
Johnson, Joyce May
Nichols, Avis
Teague, Bert
Whittemore, James

Chandler, Earle
Gross, Caroline
Langer, Ray
Rogers, Katherine
Trombly, Rick
Willis, Jack

Daneault, Gabriel
Hall, Douglas
Moore, Carol
Shaw, Randall
Wallner, Mary Jane
Yeaton, Charles

Dunn, Miriam
Johnson, C. William
Newland, Matthew
Soldati, Jennifer
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Caswell, Albert, Jr.
Coes, Betsy
Fesh, Robert
Hazelton, Robert
Kane, Cecelia
McGovern, Cynthia
Pantelakos, Laura
Smith, Arthur
Syracusa, Anthony
Williamson, William

Bell, Juanita
Christie, Andrew, Jr.
Crum, William, Jr.
Flanders, David
Hemenway, Thomas
Katsakiores, George
Newman, Rick
Raynowska, Bernard
Splaine, James
Sytek, Donna

Blake, Daniel
Clark, Martha
DiPietro, Carmela
Flanders, John, Sr.
Hurst, Sharleene
Klemarczyk, Thaddeus
Noyes, Richard
Rosencrantz, James
St. Martin, Tommy
Sytek, John

Campbell, Marilyn
Clark, Vivian
Dowling, Patricia
Gargiulo, Louis
Hutchinson, Karen
Klemm, Arthur, Jr.
O'Keefe, Patricia
Schanda, Joseph, Sr.
Stone, Joseph
Vaughn, Charles

STRAFFORD

Brown, George
Hambrick, Patricia
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Vincent, Francis

Callaghan, Frank
Hilliard, Dana
McCann, William, Jr.
O'Brien, John
Snyder, Clair
Wall, Janet

Dunlap, Patricia
Keans, Sandra
McGrath, J. Gregory
Pageotte, Donald
Sullivan, Henry
Wasson, Richard

Gilmore, Gary
Knowles, William
Merrill, Amanda
Pelletier, Arthur
Torr, Ralph
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John

Domini, Irene

and the motion failed.

Report adopted and ordered to third reading.

HB 259-FN, repealing the position of chancellor of the New Hampshire university system and related administrative positions. **INEXPEDIENT TO LEGISLATE**

Rep. Nils H. Larson, Jr. for Education: The statutory committee dealing with the university system is currently discussing the relationship of the chancellor and the university system. It was deemed inappropriate to supersede that effort by statute especially during the ongoing labor negotiations. Vote 16-0.

Adopted.

HB 540, making application of the current use laws a local option. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Scanlan for Environment and Agriculture: This bill has some constitutional problems relative to both Article 5-B of the state constitution that provides for current use taxation, and issues regarding grandfathering those already enrolled in the program. Vote 17-0.

Rep. Shaw spoke against.

Rep. Scanlan spoke in favor.

Adopted.

HB 182-FN, requiring the members of executive branch boards and commissions to file financial disclosure statements. **OUGHT TO PASS**

Rep. William P. Boucher for Executive Departments and Administration: This bill has been needed for a long time and the unanimous vote of the committee confirms the perception that the need is obvious. There was no opposition at the public hearing. Vote 15-0.

Adopted and ordered to third reading.

HB 391, establishing a committee to study whether to establish a public pay equity system in determining state, county and municipal employee compensation. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill calls for a study of the establishment of a public pay equity system for state, county and municipal government employees. The committee felt that the results of this study would be difficult to implement in New Hampshire with its diverse areas. With the prohibition against unfunded mandates, this bill would raise questions in the county and municipal governments. The idea of this bill to control the cost of government is laudable, but would be very difficult to implement. Vote 14-0.

Adopted.

HB 637-FN, repealing the position of commissioner of environmental services and transferring all duties within the department to the director of water resources. **INEXPEDIENT TO LEGISLATE**

Rep. William P. Boucher for Executive Departments and Administration: The committee addressed this issue last session, with a 10-member subcommittee broken up into four sub-subcommittees addressing each division of the Department of Environmental Services. It unanimously agreed that the Department has "exceeded the legislative expectations of the 1987 reorganization." The most cost effective approach to DES is to support the committee in its continuing support of the structure as is. Vote 12-1.

Adopted.

HB 675-FN, repealing the position of the commissioner of the department of cultural affairs and transferring all duties within the department to the state librarian. **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee felt this Department, which has been in existence since 1985 and incorporates the State Library, Director of Arts, Director of Historical Preservation, the Planetarium and the Franco-American Commission, has had overall achievements that are outstanding. Vote 13-2.

Adopted.

HB 459-FN-A, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. **OUGHT TO PASS**

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: HB 459 makes a contingent appropriation representing the state's share of a federal grant. One hundred million dollars will be made available to the states for such treatment programs. With the passage of this bill NH would be in an excellent position to receive its share of these federal dollars. Also we would be able to address a serious health issue which has no treatment facility in New Hampshire now. All of the testimony supported this bill. Vote 18-0.

Adopted and referred to Appropriations.

HB 493, revising the laws that require a prescription to purchase a hypodermic needle. **OUGHT TO PASS**

Rep. Cecilia D. Kane for Health, Human Services and Elderly Affairs: This bill allows persons more than 18 years of age to acquire hypodermic needles without a prescription. Such needles are still to be sold only in registered pharmacies. States with access to clean needles have greatly reduced incident of being HIV positive. The committee feels this will help prevent the risk to both the addict and the larger population of contracting serious illness. Vote 18-0.

Adopted and ordered to third reading.

HB 598-FN, authorizing the medical examiner to release corneas in certain cases for use in corneal transplants. **OUGHT TO PASS**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill sets up procedures by which the chief medical examiner, in certain cases, can release corneas for transplants. Such legislation elsewhere has virtually eliminated the "waiting list." Vote 14-1.

Adopted and ordered to third reading.

HB 162-FN-L, returning all municipal ordinance fines to the municipality. **OUGHT TO PASS**

Rep. Tyler P. Harwell for Judiciary: This bill corrects an injustice perpetrated upon the cities and towns of this state by allowing them to keep the fines they levy, net court costs. A substantial portion of these fines is taken by the State under current law. Vote 15-2.

Adopted and referred to Appropriations.

HB 221-FN, modifying the fish and game department's eminent domain powers and prohibiting hunting, fishing and trapping if a person is in default with any judicial system in the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward M. Gordon for Judiciary: This bill clarifies the eminent domain powers which have been previously granted to the Fish and Game Department. This assures due process to land owners and brings the proceedings into compliance with the Uniform Condemnation Procedures Act. Vote 13-5.

Amendment (1342B)

Amend the title of the bill by replacing it with the following:

AN ACT

modifying the fish and game department's eminent domain powers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Procedures for Acquisition by Condemnation. Amend RSA 212 by inserting after section 1 the following new sections:

212:1-a Acquisition by Condemnation; Hearing before Governor and Council. The governor, with the advice of the council, on his own motion or a special committee of 3 persons appointed by the governor and council for the purpose, may determine, upon hearing, whether there is occasion for the state to own any lands or water rights that are needed for fish and game department uses for the protection, regulation and management of wildlife resources and implementation of department programs and, if so, the governor, with the advice of the council, shall appoint a commission of 3 persons who may purchase land or other property in the proposed location. Such land and water rights shall be in a location proposed by the executive director of the fish and game department. All property rights acquired under the provisions of this section shall be in fee simple including property acquired by condemnation proceedings. Any such lands or water rights which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A.

212:1-b Acquisition by Condemnation; Hearing Before Commission. The governor, with advice of the council, may appoint a commission of 3 persons who, upon hearing, shall determine whether there is occasion for the state to own any lands or water rights that are needed for fish and game department uses for the protection and management of wildlife resources and implementation of department programs, and if so, the commission may purchase land or other property in the proposed location. Such lands or water rights shall be in a location proposed by the executive director of the fish and game department. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A. All property rights acquired under the provisions of this section shall be in fee simple, including property acquired by condemnation proceedings.

212:1-c Owners Defined. For purposes of this subdivision, "owners" shall include tenants for life or years, remaindermen, reversioners, municipal lienholders or holders of undischarged mortgages of record whose mortgages are dated not earlier than 20 years prior to the date of filing such petition.

212:1-d Oath of Commissioners. Persons appointed to the commission shall be sworn to act faithfully and impartially in the performance of their duties, and the certificate of each oath shall be returned to the secretary of state.

212:1-e Notice of Hearing. The governor with the advice of the council, or the commission appointed by the governor with advice of council, at least 14 days prior to hearing, shall cause notice in writing of the time and place of hearing appointed by them, together with a description of the proposed location to be given to each owner of land or other property in the proposed location and to the clerk of any city or town in which said land or other property is located.

212:1-f Method of Giving Notice.

I. When the owner resides or lives within the state, notice shall be given to the owner in person or left at the abode or sent to the owner by certified mail.

II. When the owner does not reside or live within the state, notice may be given to the person, if any, who has the care or possession of the land, or may be sent by registered mail to the owner's last known address.

III. If the owner is a person under guardianship or conservatorship, notice shall be given to the owner's guardian or conservator. If the owner is under any legal disability, a guardian or conservator may be appointed.

IV. When the owner or resident is unknown or uncertain, a copy of such notice, when posted in 2 public places in the city or town in which the land is situated, at least 14 days previous to hearing, shall be deemed sufficient notice to such owner.

212:1-g Hearing. The governor and council, or the commission, at the time and place appointed for hearing shall make a personal examination of the proposed location, shall hear all the parties interested who may attend, and may adjourn as they see cause. They may admit or reject any evidence offered and there shall be no appeal from their findings on the matter of the occasion for the state to own any lands or water rights needed for fish and game department uses for the protection, regulation and management of wildlife resources and implementation of department programs, in the absence of fraud or gross mistake.

2 Eminent Domain; Reasonable Price. Amend RSA 212:8 to read as follows:

212:8 Reasonable Price. The executive director, with the approval of the governor and council, may pay a fair and reasonable price for waters, lands or rights therein with or without buildings, required for the establishment of fish hatcheries, game farms, game refuges, propagation of fish, game, and fur-bearing animals, for fishing or hunting] ***and fish and game department uses for the protection, regulation and management of wildlife resources and the implementation of department programs.*** The executive director, subject to the approval of the governor and council, may expend for the purchase of land, waters or rights therein during any year only such total sum as may be appropriated therefor. The executive director shall make a report during the month of January in the years that the legislature is in session of all lands, waters or rights therein so acquired since the last report to the senate president and the speaker of the house.

3 Eminent Domain; Sale and Exchange. Amend RSA 212:9 to read as follows:

212:9 Sale and Exchange. Whenever the executive director shall deem it to be in the best interests of the state, he may, with the consent of the governor, authorize the sale or exchange of any lands, or any part thereof, to which title has been acquired by purchase, gift, [or] ***lease or condemnation,*** together with the buildings, improvements, and appurtenances thereon, for privately owned lands of equal or greater value, and suitable for [the protection and propagation of fish, game, and fur-bearing animals, or for fishing, hunting] ***fish and game department uses for the protection, regulation and management of wildlife resources, implementation of department programs, or administrative purposes.***

4 Eminent Domain; Use of Lands. Amend RSA 212:10 to read as follows:

212:10 Use of Lands. Lands to which title has been acquired by the state, or which have been leased, or any part thereof, may be used for the purpose of creating and maintaining game refuges, or for [the propagation of fish or game or fur-bearing animals] ***fish and game department uses for the protection, regulation and management of wildlife resources, implementation of department programs,*** and as much thereof as is deemed necessary may be used for the administration of such lands. The executive director of the fish and game department, after consultation with the director, division of forests and lands, department of resources and economic development, may cut and remove and sell, or permit the cutting or removing and selling of timber, on lands to which title has been acquired by the state. The executive director of the fish and game department may sell or otherwise dispose of buildings or other improvements on lands

acquired under this chapter, whenever such buildings or improvements are no longer of use to the state, except that no building or improvements valued at \$100 or more shall be sold without the approval of the governor.

5 Repeal. The following are repealed:

- I. RSA 212:2, relative to acquisitions by condemnation.
- II. RSA 212:3, relative to procedures for condemnation.
- III. RSA 212:4, relative to condemnation hearings.
- IV. RSA 212:5, relative to appeals from damage awards.
- V. RSA 212:6, relative to payment of damage awards.

6 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill modifies the fish and game department's eminent domain powers and establishes condemnation proceedings consistent with the eminent domain procedures act.

This bill is a request of the department of fish and game.

Adopted.

Report adopted and ordered to third reading.

HB 222-FN, authorizing the court to establish 24-hour emergency access for domestic violence actions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Murphy for Judiciary: Information presented at the hearing on this bill indicated that although there may be a few cases where parties have been unable to reach a court during non-working hours, they were not prevalent. A committee is being appointed by the Administrative Judge of the District Courts system to study and recommend any action necessary. The committee believes that the court is the agency to correct any problem existing. Vote 17-3.

Rep. Carl Johnson spoke against.

Adopted.

HB 285, establishing a study committee to review treatment by the court system of women and children in marital and domestic violence disputes. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth A. Moore for the Majority of Judiciary: After much discussion the committee agreed to re-refer HB 285 after learning that the courts will be addressing this very important issue by forming a judicial committee that will review and develop policy regarding treatment by the court system of women and children in marital and domestic violence disputes. Vote 12-3.

Rep. Robert E. Murphy for the Minority of Judiciary: The minority of the Committee voted Inexpedient to Legislate on HB 285. A letter has been received in the committee from the Administrative Justice of the District Court System in which he indicates that he has already initiated action to establish a multi-membership committee to accomplish exactly what this bill is intended to do. The only purpose for re-referring this bill is to hold it over the head of the Administrative Justice to force him to do what he has committed himself to do. The minority believes that coercion of this type is not only unbecoming this great body but could be counter-productive.

Rep. Murphy moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Re-refer to Committee, spoke in favor and withdrew his motion.

Rep. Gordon spoke in favor.

Adopted.

HB 367, requiring parental notification before abortions may be performed on unemancipated minors. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth A. Moore for Judiciary: The majority of young women already consult with their parents when faced with an unintended pregnancy. Those who cannot are not helped by this bill. The court by-pass provision places an unreasonable burden on these women at a most difficult time, and does nothing to enhance family communication. Vote 15-3.

Rep. Kennedy spoke against the report.

Rep. Cogswell moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Newman spoke against and yielded to questions.

Rep. Healy requested a quorum count. The Chair declared a quorum present.

Rep. Healy spoke in favor.

Reps. Carol Moore and Douglas Hall spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 93

NAYS 265

**YEAS 93
BELKNAP**

Golden, Paul
Rosen, Ralph

Johnson, Carl
Young, Niel

Lafam, Robert

Lawton, David

CARROLL

Chandler, Gene

Cogswell, Richard

Lyman, L. Randy

Mock, Henry

CHESHIRE

Cole, Stacey

Delano, Robert

McGuirk, Paul

Young, David

COOS

Foss, Frederic

Guay, Lawrence

Wiswell, James

GRAFTON

Chase, Paul, Jr.

Dow, David

Driscoll, William

Rose, William

HILLSBOROUGH

Bergeron, Normand
Daniels, Gary
Donovan, Francis
Healy, Daniel
Jasper, Shawn
Lessard, Rudy
Reidy, Frank
Searles, Stanley, Sr.

Borsa, Andrew
Desrosiers, William
Drabinowicz, A. Theresa
Holden, Carol
Kirby, Thomas
Martin, Mary Ellen
Rheault, Lillian
Turgeon, Roland

Bowers, Dorothy
Dodge, Emma
Gagnon, Eugene
Holley, Sylvia
L'Heureux, Robert
Moncrief, Keith
Riley, Frances
Vanderlosk, Stanley

Chabot, Robert
Domaingue, Jacquelyn
Gosselin, Gerald
Hunter, Bruce
Leclerc, Charles
Pepino, Leo
Rothhaus, Finlay
Wright, George

MERRIMACK

Barberia, Richard
Holmes, Mary
Pfaff, Terence

Buessing, Marjorie
Houlahan, Thomas
Whalley, Michael

Carter, Susan
Kennedy, Richard
Whittemore, James

Daneault, Gabriel
Langer, Ray
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Chester, Sherman
Gargiulo, Louis
Moore, Benjamin
Smith, Arthur
Welch, David

Arndt, Janet
Cote, Patricia
Hemenway, Thomas
Noyes, Richard
Sytek, Donna

Blake, Daniel
Dowd, Sandra
Katsakiores, George
Raynowska, Bernard
Sytek, John

Bove, Martin
Fesh, Robert
Klemarczyk, Thaddeus
Ritzo, Eugene
Warburton, Calvin

STRAFFORD

Callaghan, Frank
Torr, Ralph

Chagnon, Ronald

McKinley, Robert

Spear, Barbara

SULLIVAN

Domini, Irene

Rodeschin, Beverly

**NAYS 265
BELKNAP**

Bartlett, Gordon
Hawkins, Robert
Smith, Linda

Cain, Thomas
Holbrook, Robert
Turner, Robert

Campbell, Richard, Jr.
Rice, Thomas, Jr.
Ziegra, Alice

Dewhirst, Glenn
Salatiello, Thomas

CARROLL

Allard, Nanci
Foster, Robert
Wiggin, Gordon

Beach, Mildred
Philbrick, Donald

Bradley, Jeb
Saunders, Howard

Dickinson, Howard, Jr.
Wiggin, Allen

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Manning, Joseph
Perry, David
Robertson, Timothy

Bonneau, Sarah
Foster, Katherine
McNamara, Wanda
Pratt, Irene
Royce, H. Charles

Burnham, Daniel
Hunt, John
Metzger, Katherine
Richardson, Barbara
Russell, Ronald

Champagne, Richard
Kingsbury, H. Thayer
Pearson, Gertrude
Riley, William
Smith, Edwin

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Channing
Eaton, Stephanie
Hill, Richard
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Below, Clifton
Copenhaver, Marion
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Brown, Alison
Croy, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Asselin, Robert
Calawa, Leon, Jr.
Daigle, Robert
Dykstra, Leona
Fields, Dennis
Haetenschwiller, Alphonse
Holt, Mark
Kelley, Dana
Laughlin, J. Francis
McCarty, Winston
Messier, Irene
Morrissette, Roland
Paquette, Rodolphe
Record, Alice
Smith, Leonard
Upton, Barbara

Ahem, Richard
Andrews, Frederick
Bagley, Amy
Cepaitis, Elizabeth
Drolet, Paul
Eliades, George
Foster, Linda
Hall, Betty
Jean, Claudette
Kelley, Robert
Lefebvre, Roland
McNemey, Daniel
Milligan, Robert
Murphy, Robert
Perkins, Paul
Sallada, Roland
Soucy, Donna
Weergang, Alida

Ahrens, Frederick
Arnold, Barbara
Bergeron, Lucien
Clemons, Jane
Durham, Susan
Fenton, James
Franks, Suzan
Hanselman, Gregory
Jean, Loren
Kurk, Neal
Lown, Elizabeth
McRae, Karen
Mittelman, David
O'Rourke, Joanne
Peters, Stanley
Sargent, Maxwell
Tate, Joan
Wheeler, Robert

Allen, W. Gordon
Arnold, Thomas, Jr.
Buckley, Raymond
Cowenhoven, Garret
Dwyer, Patricia
Ferguson, Charles
Gage, Ruth
Hart, Nick
Johnson, Lionel
Lachut, Ervin
Lozeau, Donnalee
Mercer, Robert
Morello, Michael
Packard, Bonnie
Philbrook, Paula
Smart, John
Toomey, Kathryn
White, John

MERRIMACK

Apple, Lowell
Feuerstein, Martin
Hall, Douglas
Kidder, William
Nichols, Avis
Soldati, Jennifer
Weeks, John, Jr.

Braiterman, Thea
Fillion, Paul
Hill, Michael
Lockwood, Robert
Owen, Derek
Teague, Bert
Yeaton, Charles

Chandler, Earle
Gilbreth, Robert
Johnson, C. William
Moore, Carol
Rogers, Katherine
Trombly, Rick

Dunn, Miriam
Gross, Caroline
Johnson, Joyce May
Newland, Matthew
Shaw, Randall
Ward, Jay

ROCKINGHAM

Batties, Marjorie
Christie, Andrew, Jr.
Conroy, Janet

Bell, Juanita
Clark, Martha
Crossman, Harold, Jr.

Campbell, Marilyn
Clark, Vivian
Crum, William, Jr.

Caswell, Albert, Jr.
Coes, Betsy
DiPietro, Carmela

Dowling, Patricia
 Flanders, David
 Hazelton, Robert
 Kane, Cecelia
 Lovejoy, Marian
 Miller, Don
 Pantelakos, Laura
 Rosencrantz, James
 Skinner, Patricia
 Syracuse, Anthony
 Williamson, William

Drake, Herbert
 Flanders, John, Sr.
 Hurst, Sharleene
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Newman, Rick
 Pratt, Katharin
 Rubin, George
 Splaine, James
 Teminko, Margaret
 Woods, Deborah

Dube, LeRoy
 Gage, Beverly
 Hutchinson, Karen
 Kruse, Fred
 McGovern, Cynthia
 O'Keefe, Patricia
 Pullman, Robert
 Schanda, Joseph, Sr.
 St. Martin, Tommy
 Vaughn, Charles
 Yennaco, Carol

Flanagan, Natalie
 Gorman, Donald
 Johnson, Robert
 Lee, Rebecca
 McKinney, Betsy
 Packard, Sherman
 Putnam, Ed, II
 Senter, Merilyn
 Stone, Joseph
 Weyler, Kenneth

STRAFFORD

Brown, George
 Hambrick, Patricia
 Kincaid, William
 McCann, William, Jr.
 Nehring, William
 Pelletier, Marsha
 Torr, Franklin
 Wheeler, Katherine

Douglass, Clyde
 Hemon, Roland
 Knowles, William
 McGrath, J. Gregory
 O'Brien, John
 Rogers, Rose Marie
 Vincent, Francis

Dunlap, Patricia
 Hilliard, Dana
 Loder, Suzanne
 Merrill, Amanda
 Pageotte, Donald
 Snyder, Clair
 Wall, Janet

Gilmore, Gary
 Keans, Sandra
 Lundborn, Raymond
 Merritt, Deborah
 Pelletier, Arthur
 Torr, Ann
 Wasson, Richard

SULLIVAN

Allison, David
 Flint, Gordon
 Palmer, Lorraine

Behrens, Thomas
 Holl, Ann
 Peyron, Fredrik

Burling, Peter
 Kane, Joan
 Schotanus, Merle

Cloutier, John
 Lindblade, Eric
 Stamatakis, Carol

and the motion failed.
 Report adopted.

HB 395, relative to death with dignity for certain persons suffering terminal illness. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward M. Gordon for Judiciary: This bill gives individuals an opportunity in a Living Will or Durable Power of Attorney for Health Care to authorize the use of medication to alleviate pain or discomfort even if such medication dulls consciousness or shortens life in the event they are incompetent and suffering from a terminal illness. Vote 15-2.

Rep. Lown moved to Recommit to Committee and spoke in favor.
 Adopted.

HB 401, rejecting the "fireman's rule" in New Hampshire. **RE-REFER TO COMMITTEE**

Rep. Elizabeth D. Lown for Judiciary: The issue of the "fireman's rule" and whether it should be retained or rejected and in which form, is an issue the committee feels merits further study. Vote 15-4.

Adopted.

HB 462-FN, relative to the victims' assistance fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward M. Gordon for Judiciary: This bill changes the statutes regarding the victims' assistance fund in order to extend eligibility to persons injured by persons driving under the influence of alcohol or controlled substances. It also permits a guardian ad litem, or child advocate, to apply for assistance on behalf of parties who do not have the capacity to apply themselves. Vote 20-0.

Amendment (1475B)

Amend the bill by replacing all after the enacting clause with the following:

1 Victims' Assistance, Eligibility for Compensation. Amend RSA 21-M:8-h, I and II to read as follows:

I. [Victims of (a) a felony resulting in personal injury, or (b) injuries caused by] *Any person who sustains personal injury as a result of a felony or any person who sustains personal injury as a result of* persons driving under the influence of alcohol or controlled substances[, are] is eligible for compensation. *In the case of a child victim, the claimant, guardian ad litem, advocate or parent may claim compensation in the victim's stead.* In the case of a victim's death as a direct result of the crime, the victim's spouse, the parents of a victim who was a dependent child, or the victim's dependent children are eligible to claim compensation. In the case of a victim's disability as a direct result of the crime, the victim's spouse or guardian may claim compensation in the victim's stead.

II. The claimant, *guardian ad litem or child advocate, or parent* shall file a claim for compensation within [60 days] one year of the crime, unless good cause is shown.

2 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill permits a child victim, guardian ad litem or advocate or parent to claim compensation under the victims' assistance fund in the victims' stead.

This bill also extends the time limit for filing a claim for compensation to within one year of the crime.

Adopted.

Report adopted and referred to Appropriations.

HB 471-FN, relative to default for failure to appear in court or plea by mail. INEXPEDIENT TO LEGISLATE

Rep. Tyler P. Harwell for Judiciary: This bill would ratify the practice of having district court summonses for traffic violations made returnable to the Director of the Department of Motor Vehicles, rather than the courts from which they were issued. The committee was not convinced of the necessity of this bill, and had serious concern for the procedural issues raised by the bill. Vote 13-4.

Adopted.

HB 579, relative to the right of police officers to recover for injuries caused by the wanton or willful conduct of others. RE-REFER TO COMMITTEE

Rep. Alice Barnard Record for Judiciary: The committee voted this bill for re-referral based on the fact that HB 401 was re-referred and both deal with firemen's issues. It seems only logical that the bills should be considered together. Vote 14-3.

Adopted.

HB 660-FN, relative to drug forfeiture. RE-REFER TO COMMITTEE

Rep. Peter H. Burling for Judiciary: After the filing of this bill (which incorporates several protections in the drug forfeiture area), the Attorney General advised the sponsor that the Department of Justice would be following new guidelines in the management of all drug forfeiture cases. These new guidelines incorporate many of the protections included in the proposed legislation. It was the feeling of the majority that the Legislature would do well to work with the Attorney General to draft legislation which incorporates the new guidelines plus appropriate policy statements and financial reporting requirements. We believe there is substantial hope for an amicable and effective solution to the problems with civil forfeiture through re-referral to committee and work with the Attorney General. The committee has already begun work on re-draft. Vote 17-2.

Adopted.

HB 554, reducing the number of public employees required to certify a bargaining unit. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Carl R. Johnson for the Majority of Labor, Industrial and Rehabilitative Services: The current statute has been in effect since 1975 and has worked well. The Public Employee Labor Relations Board (PELRB) has interpreted the community of interest section of the law to include most employees who work and are paid by the same employer. Probationary and part-time employees may also be included. This bill is not needed. Vote 9-6.

Rep. A. Theresa Drabinowicz for the Minority of Labor, Industrial and Rehabilitative Services: The Minority feels that small public employee groups should be able to form bargaining units. It should be their right and should be available to smaller units. Amongst the 35 states that have a public employee collective bargaining law, New Hampshire is the only state that requires a minimum number for the formation of an exclusive bargaining unit.

Rep. Drabinowicz moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Carl Johnson, Turner and Hawkins spoke against.

Rep. Smart spoke in favor.

Rep. William McCann spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 112

NAYS 231

**YEAS 112
BELKNAP**

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Manning, Joseph
Robertson, Timothy

Burnham, Daniel
Pratt, Irene
Russell, Ronald

DePecol, Benjamin
Richardson, Barbara

Kingsbury, H. Thayer
Riley, William

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

GRAFTON

Below, Clifton
Guest, Robert

Chase, Paul, Jr.
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth

HILLSBOROUGH

Ackerman, Philip
Bergeron, Lucien
Chabot, Robert
Drabinowicz, A. Theresa
Hall, Betty
Jean, Claudette
Lefebvre, Roland
O'Rourke, Joanne
Soucy, Donna

Ahern, Richard
Bergeron, Normand
Clemmons, Jane
Foster, Linda
Healy, Daniel
Johnson, Lionel
Lown, Elizabeth
Philbrook, Paula
Toomey, Kathryn

Arnold, Thomas, Jr.
Borsa, Andrew
Daigle, Robert
Gage, Ruth
Holley, Sylvia
Kirby, Thomas
Martin, Mary Ellen
Reidy, Frank
Turgeon, Roland

Asselin, Robert
Buckley, Raymond
Donovan, Francis
Haettenschwiller, Alphonse
Holt, Mark
Laughlin, J. Francis
Morrissette, Roland
Smart, John
White, John

MERRIMACK

Braiterman, Thea
Moore, Carol
Soldati, Jennifer

Daneault, Gabriel
Newland, Matthew
Trombly, Rick

Dunn, Miriam
Owen, Derek
Ward, Jay

Johnson, Joyce May
Rogers, Katherine
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Kane, Cecelia
O'Keefe, Patricia
Rosencrantz, James
Syracusa, Anthony

Caswell, Albert, Jr.
Lovejoy, Marian
Pantelakos, Laura
Schanda, Joseph, Sr.
Terninko, Margaret

Clark, Martha
McGovern, Cynthia
Raynowska, Bernard
Splaine, James
Warburton, Calvin

Hurst, Sharleene
Newman, Rick
Ritzo, Eugene
St. Martin, Tommy

STRAFFORD

Brown, George
Hemon, Roland

Chagnon, Ronald
Kincaid, William

Gilmore, Gary
Lundborn, Raymond

Hambrick, Patricia
McCann, William, Jr.

McGrath, J. Gregory
Pelletier, Arthur
Wheeler, Katherine

Merrill, Amanda
Pelletier, Marsha

Merritt, Deborah
Rogers, Rose Marie

O'Brien, John
Vincent, Francis

SULLIVAN

Allison, David

Burling, Peter

Cloutier, John

Palmer, Lorraine

NAYS 231 BELKNAP

Bartlett, Gordon
Golden, Paul
Lafam, Robert
Salatiello, Thomas
Ziegra, Alice

Cain, Thomas
Hawkins, Robert
Lawton, David
Smith, Linda

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph
Young, Niel

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
Foster, Katherine
Pearson, Gertrude
Young, David

Champagne, Richard
Hunt, John
Perry, David

Cole, Stacey
McGuirk, Paul
Royce, H. Charles

Delano, Robert
McNamara, Wanda
Smith, Edwin

COOS

Foss, Frederic

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Patricia
Gordon, Edward
Rose, William
Wadsworth, Karen

Bean, Pamela
Dow, David
Ham, Bonnie
Scanlan, David
Ward, Kathleen

Brown, Alson
Driscoll, William
Hill, Richard
Teschner, Douglass
White, Paul

Brown, Channing
Eaton, Stephanie
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Bagley, Amy
Cowenhoven, Garret
Domaigne, Jacquelyn
Eliades, George
Franks, Suzan
Hart, Nick
Jean, Loren
L'Heureux, Robert
McCarty, Winston
Messier, Irene
Morello, Michael
Pepino, Leo
Rheault, Lillian
Sargent, Maxwell
Upton, Barbara
Wright, George

Amidon, Eleanor
Bowers, Dorothy
Daniels, Gary
Drolet, Paul
Fenton, James
Gagnon, Eugene
Holden, Carol
Kelley, Dana
Lachut, Ervin
McNerney, Daniel
Milligan, Robert
Murphy, Robert
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Vanderlosk, Stanley

Andrews, Frederick
Calawa, Leon, Jr.
Desrosiers, William
Durham, Susan
Ferguson, Charles
Gosselin, Gerald
Hunter, Bruce
Kelley, Robert
Lessard, Rudy
McRae, Karen
Mittelman, David
Packard, Bonnie
Peters, Stanley
Rothhaus, Finlay
Smith, Leonard
Weergang, Alida

Arnold, Barbara
Cepaitis, Elizabeth
Dodge, Emma
Dykstra, Leona
Fields, Dennis
Hanselman, Gregory
Jasper, Shawn
Kurk, Neal
Lozeau, Donnalee
Mercer, Robert
Moncrief, Keith
Paquette, Rodolphe
Record, Alice
Sallada, Roland
Tate, Joan
Wheeler, Robert

MERRIMACK

Apple, Lowell
Chandler, Earle
Gross, Caroline

Barberia, Richard
Feuerstein, Martin
Hill, Michael

Buessing, Marjorie
Fillion, Paul
Holmes, Mary

Carter, Susan
Gilbreth, Robert
Houlahan, Thomas

Johnson, C. William
Lockwood, Robert
Weeks, John, Jr.

Kennedy, Richard
Nichols, Avis
Whalley, Michael

Kidder, William
Pfaff, Terence
Willis, Jack

Langer, Ray
Shaw, Randall

ROCKINGHAM

Aranda, M. Kathryn
Campbell, Marilyn
Coes, Betsy
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Hutchinson, Karen
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Senter, Marilyn
Stritch, C. Donald
Welch, David
Yennaco, Carol

Arndt, Janet
Chester, Sherman
Cote, Patricia
Dowling, Patricia
Flanagan, Natalie
Gorman, Donald
Johnson, Robert
Kruse, Fred
Miller, Don
Pullman, Robert
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Blake, Daniel
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Drake, Herbert
Flanders, David
Hazelton, Robert
Katsakiores, George
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Smith, Arthur
Sytek, John
Williamson, William

Bove, Martin
Clark, Vivian
Crum, William, Jr.
Dube, LeRoy
Flanders, John, Sr.
Hemenway, Thomas
Klemarczyk, Thaddeus
Malcolm, Kenneth
Packard, Sherman
Rubin, George
Stone, Joseph
Vaughn, Charles
Woods, Deborah

STRAFFORD

Callaghan, Frank
Keans, Sandra
Nehring, William
Torr, Franklin

Douglass, Clyde
Knowles, William
Snyder, Clair
Torr, Ralph

Dunlap, Patricia
Loder, Suzanne
Spear, Barbara
Wall, Janet

Hilliard, Dana
McKinley, Robert
Torr, Ann
Wasson, Richard

SULLIVAN

Behrens, Thomas
Kane, Joan
Schotanus, Merle

Domini, Irene
Lindblade, Eric
Stamatakis, Carol

Flint, Gordon
Peyron, Fredrik

Holl, Ann
Rodeschin, Beverly

and the motion failed.
Report adopted.

HB 224-FN-L, relative to the organization, accountability and liability of municipal fire departments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: This concept was studied for two years. The testimony brought forth was not about immunity but rather a definition clarifying a fire department organization and also a definition of the public duty rule on liability. All testimony to the bill was favorable. Vote 16-1.

Amendment (1292B)

Amend RSA 154:1-d, I(e) as inserted by section 5 of the bill by replacing it with the following:

(e) In this section, "fire department" means any fire department of the state or its political subdivisions, including municipal fire departments organized under RSA 154:1, as well as private firefighting units which have been certified by the state fire marshal under RSA 153:4-a. For the purposes of this section and in addition to any other protections afforded to state agencies under law, the division of fire services, department of safety, shall be deemed a "fire department."

Amend the bill by inserting after section 9 the following and renumbering the original sections 10-12 to read as 11-13, respectively:

10 Costs Added. Amend RSA 154:8-a, II-a(a) and (b) to read as follows:

II-a.(a) Any person whose act or omission caused, in whole or in part, such actual discharge of hazardous materials or toxic wastes which resulted in contamination of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the cost of equipment cleanup or replacement *and for the costs of the police, fire, public safety, and municipal personnel involved in the emergency response.*

(b) Within 30 days after the equipment leaves the site of the incident, the municipality or organization which seeks payment shall submit a bill for the cost of equipment cleanup or replacement *and the costs of personnel, if appropriate*, to the person responsible for the equipment contamination under subparagraph (a). Payment shall be made directly to the municipality or to the organization. The person responsible for the equipment contamination may appeal payment for [the cost of equipment cleanup or replacement] such costs within 30 days of receipt of the bill for [that cost] the costs to the commissioner of the department of environmental services. The commissioner shall hold an administrative hearing within 30 days after receiving the appeal, at which time the extent of liability for costs shall be determined. The commissioner shall issue a decision within 30 days after holding the hearing.

Adopted.

Report adopted and ordered to third reading.

HB 410-L, relative to the election of town officers and the appointment of a deputy town treasurer. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas B. Salatiello for Municipal and County Government: The bill received extensive debate in Committee and the Committee was unable to reach a consensus. The Committee recognized that there is a problem in some communities concerning when elective officers are sworn in. In many communities the time of swearing in is by custom. The bill does not appear to do what its sponsor intended and could create confusion in many towns. Vote 14-3.

Rep. Wadsworth moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Williamson spoke in favor.

Adopted.

HB 428-FN-L, authorizing the county convention for Rockingham county to employ a delegation coordinator. **OUGHT TO PASS**

Rep. Kenneth L. Weyler for Municipal and County Government: An employee with duties to serve the delegation in Rockingham County also had duties for the commissioners. The commissioners kept giving their tasks more priority. The employee had problems serving two bosses. This bill will give the delegation coordinator a clear line of responsibility and will eliminate the dichotomy. This is the current practice in Hillsborough County. Both delegation and commissioners support this bill. Vote 13-6.

Adopted and ordered to third reading.

HB 180-FN, relative to bonus payments and state employment preferences for Persian Gulf War veterans. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James J. Fenton for the Majority of Public Protection and Veterans Affairs: RSA 115-A:9 was approved by a vote of 232-80 in the 1992 session. This bill is a bifurcated effort to reverse that decision. Vote 8-5.

Rep. George R. Rubin for the Minority of Public Protection and Veterans Affairs: This bill will authorize the payment of a veterans bonus to New Hampshire veterans of the Persian Gulf War. Representative Leo Pepino of the Public Protection and Veterans Affairs Committee has changed his support and joins the minority in recommending "ought to pass."

Rep. Rubin requested that the question be divided. The Chair ruled that the question was divisible.

The question being shall Section 1 be Inexpedient to Legislate.

Rep. Rubin spoke against.

Rep. Fenton spoke in favor and yielded to questions.

On a division vote, 286 members having voted in the affirmative and 45 in the negative, Section 1 was voted Inexpedient.

The remainder of the bill was voted Inexpedient.

HB 438-FN, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number. **RE-REFER TO COMMITTEE**

Rep. James Fenton for Public Protection and Veterans Affairs: The committee recommends refer to committee to allow the further study of the computer database maintained by the state

and its suitability to allow access for felony record checks as defined in this proposed bill. The Fiscal Note calls for undetermined state expenditures in FY93 and FY94. Vote 12-1.

Adopted.

HB 492-FN-A, relative to the veterans' cemetery committee and site suitability testing for a veterans' cemetery and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. John W. Flanders, Sr. for Public Protection and Veterans Affairs: This bill provides extension of the site selection committee for one year and provides funding for site suitability testing. The Fiscal Note calls for state expenditures of \$60,000 in FY93 and \$0 in FY94. Vote 14 - 0.

Amendment (1412B)

Amend 1992, 136:2 as inserted by section 2 of the bill by replacing it with the following:

136:2 Appropriation. The sum of [\$1] **\$60,000** is appropriated *for the fiscal year ending June 30, 1993*, to the legislature for the purposes of site *suitability testing under* section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill extends the reporting date for the veterans' cemetery committee from November 1, 1992 to November 1, 1993. It makes an appropriation for site suitability testing for a veterans' cemetery.

This bill was requested by the veterans' cemetery committee.

Adopted.

Report adopted and referred to Appropriations.

HB 147-FN-A, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Leon Calawa, Jr. for Public Works: This bill will fund the research needed to finish the study started by House Bill 1151 in 1992. A cultural resources inventory, a physical inventory of all the buildings on the campus, a review of state office needs and then match them to available space at the State Hospital. Additionally, it would do an indepth study of the campus, develop an overall master plan, including land use, traffic, parking, infrastructure, landscape design guideline for future development or renovations. Vote 18-0.

Amendment (1323B)

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. As a result of the committee's findings during its 1992 study, there is hereby established a committee which shall be authorized to:

(a) Oversee an engineering study to determine the cost, management, and direction that should be taken to define the future and direction of the New Hampshire state hospital grounds.

(b) Do a cultural resources inventory for all of the New Hampshire state hospital buildings and grounds to determine their historic value and to assign priorities for their importance.

(c) Do a physical inventory of all of the New Hampshire state hospital buildings and assign priorities for their reuse and type and cost of reuse.

(d) From the studies in subparagraphs (b) and (c) determine the maximum capacity of the New Hampshire state hospital grounds for use and subsequent parking traffic and utility requirements.

(e) Review all of the state office needs and match them to the available resources at the New Hampshire state hospital.

(f) Do an in depth study of the New Hampshire state hospital grounds to develop an overall master plan that includes land use, traffic, parking, infrastructure, landscape, design guidelines for future development, and renovations.

(g) Assign specific uses to the available space on the New Hampshire state hospital buildings and grounds based on the master plan outcome.

(h) Make recommendations to the Governor as to the future management of the New Hampshire state hospital buildings and grounds to meet the goals of the master plan.

Amend the bill by replacing section 6 with the following:

6 Appropriation. The sum of \$70,000 is hereby appropriated to the general court, joint expenses-operations, for the fiscal year ending June 30, 1994, for the purpose of contracting for the studies authorized in section 1 of this act. This sum shall be in addition to any other funds appropriated to the general court. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill establishes a committee to oversee a study to determine the cost, management, and direction that should be taken to define the future and direction of the New Hampshire state hospital buildings and grounds. The committee shall make a report of its findings, together with any proposed legislation, no later than November 1, 1994.

The bill also appropriates \$70,000 for the fiscal year ending June 30, 1994, to the general court for the purpose of contracting for the studies which the act authorizes.

Adopted.

Report adopted and referred to Appropriations.

HB 148-FN-A, appropriating funds to prevent deterioration of the Walker building and other state buildings at the New Hampshire hospital. **OUGHT TO PASS**

Rep. Leon Calawa, Jr. for Public Works: This bill will fund the much needed repairs to used and unused buildings on the State Hospital grounds. It will prevent deterioration until their future use can be determined. It includes but is not limited to Walker, Bancroft, Annex 1, Main Building, Brown Building. Some of the building roofs leak so much that the first person in after a rain empties the five gallon buckets! If these buildings have a chance to be used in the future, we need to tighten them up now. Vote 16-2.

Adopted and referred to Appropriations.

HB 450-FN-A, appropriating matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works: This bill commits the state to make a challenge grant to be matched by twice as many other dollars for the renovation of the Stone Warehouse in Eagle Square by the New Hampshire Historical Society as a state-wide museum and educational center for the study of New Hampshire history. The committee finds that a truly valuable contribution has been made heretofore by the Society and will be expanded in this renovated facility for the teaching of New Hampshire history and government in schools state-wide as required by RSA 189:11 in close coordination with the New Hampshire Department of Education. Both at no expenditure of state funds. The Committee concludes that the state should participate on this one-time basis. The committee amendment also tightens up the appropriation to imitate the challenge grant model for the Odiome Point Visitors Center in 1987 and assures that only "new" contributions subsequent to enactment of the bill are counted. The amount of the challenge grant and the source of funds will need to be addressed by the Appropriations Committee in conjunction with its work on the biennial budget. Vote 18-0.

Amendment (1389B)

Amend the bill by replacing sections 1 and 2 with the following:

1 Findings.

I. The general court finds that there has existed and continues to exist a unique relationship between the New Hampshire Historical Society and the state of New Hampshire. Since its founding in 1823, the society has been the premier repository of important papers, photographs, manuscripts, books and artifacts of extraordinary value recording the history of the state.

II. Furthermore, the state enacted in 1923 and amended in 1975 RSA 189:11 prescribing the necessity for teaching New Hampshire history and government as an integral part of the study of American history and government in schools throughout the state. The society has assumed the role to provide at no expense to the state from its own resources exhibits, museum tours, classroom presentations, teaching materials and teacher training in close cooperation with the state department of education and has among many other services reached nearly 50 percent of all fourth grade students in public schools during the 1991-1992 school year.

III. The general court recognizes that the New Hampshire Historical Society is in the process of creating a new statewide museum of New Hampshire history. The society purchased the Stone Warehouse in Concord's Eagle Square to be renovated to provide much needed exhibit space and classrooms. The creation of this new statewide museum will provide an educational center for the study of New Hampshire history for both children and adults. In particular the society intends to dedicate 700 square feet for educational activities directly related to the teaching of New Hampshire history and has set a goal of reaching 80 percent of all public school fourth graders during the year 1996.

IV. The legislature therefore finds that it is in the best interest of both the state of New Hampshire and its citizens to aid the New Hampshire Historical Society in this endeavor.

2 Appropriation. The sum of \$250,000 is hereby appropriated to the New Hampshire Historical Society, for the biennium ending June 30, 1995 for the purpose of renovations to the Stone Warehouse in Concord's Eagle Square. No funds appropriated under this section shall be expended or encumbered in any way until the president of the New Hampshire Historical Society certifies to the fiscal committee that the society has raised and can account for \$500,000 or more in gifts, grants, donations or pledges from sources other than the state to be used for the renovation of the Stone Warehouse and that the \$500,000 has been raised subsequent to the effective date of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill conditionally appropriates matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord.

Adopted.

Report adopted and referred to Appropriations.

HB 515-FN-A, requiring the department of transportation to install a barrier separating the north and southbound lanes of U.S. Route I-93 in Franconia Notch and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Gene C. Chandler for Public Works: This is a friendly inexpedient to legislate in that the committee is in full support of safety barriers on Interstate 93 in Franconia Notch. But since the Department of Transportation and Federal Highway Administration are in agreement that the safety improvements are warranted, legislation is not necessary at this time. Before any improvements can be made, various environmental groups must agree to an amendment to the original Memoranda of Agreement concerning construction methods and the court system must ratify the amendment. The new amendment is already written and conceptually agreed to by all parties, and the Public Works Committee will work to try and have the safety improvements in place before next winter. The improvements will be made with 90% federal and 10% state funds. The committee congratulates the sponsors for their work on this problem and the speedy reaction by state and federal regulators to their concerns. Vote 18-0.

Adopted.

HB 223, establishing a bureau of trails within the department of resources and economic development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael D. Whalley for Resources, Recreation and Development: This bill expands the membership of the New Hampshire Statewide Trail System Advisory Committee for the purpose of advising the Director of Parks and Recreation. The committee shall equally represent different trail interests and the general public. This committee shall include the Bicycle Trail Coordinator from the Department of Transportation as requested in HB 383. This bill also changes the name of the Bureau of Off Highway Vehicles to the Bureau of Trails. Vote 14-0.

Amendment (1302B)

Amend the title of the bill by replacing it with the following:

AN ACT

changing the bureau of off highway recreational vehicles to the bureau of trails and expanding the bureau's duties.

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Title Changed. Amend the chapter heading of RSA 215-A to read as follows:

CHAPTER 215-A

OFF HIGHWAY RECREATIONAL VEHICLES *AND TRAILS*

2 Name Changed. Amend RSA 100-A:1, VII-a, (b) to read as follows:

(b) Any bingo or lucky 7 inspector, security officer appointed pursuant to RSA 135:41, or any person employed in the bureau of [off-highway recreational vehicles] *trails* of the department of resources and economic development; or

3 Name Changed. RSA 215-A:1, II is repealed and reenacted to read as follows:

II. "Bureau" means the bureau of trails in the department of resources and economic development.

4 Name Changed. Amend RSA 215-A:2 to read as follows:

215-A:2 Bureau of [Off Highway Recreational Vehicles] *Trails*. There shall be established in the division of parks and recreation of the department of resources and economic development a bureau of [off highway recreational vehicles] *trails*. The chief supervisor of the bureau shall report directly to the director of the division of parks and recreation.

5 New Paragraphs; Duties Added. Amend RSA 215-A:3 by inserting after paragraph IV the following new paragraph:

IV-a. The bureau shall also have the following duties:

(a) Provide the planning, development, and maintenance of the state trail system.

(b) Promote the proper use of trails throughout the state, and protect their integrity for future generations.

(c) Encourage the use of trails for educational purposes through the use of signs, published material and trail adoption programs.

(d) Coordinate the development of the New Hampshire Heritage Trail designated in RSA 216-A:11.

(e) Administer the New Hampshire conservation corps established in RSA 216-A:7.

(f) Obtain and administer any federal funds appropriated for the purposes of this chapter.

(g) Assist communities with their trail programs.

(h) Support research and information gathering activities on the economic benefits of trails and improved environmental design of trails.

(i) Coordinate the efforts of motorized and non-motorized trail interests in the state.

6 Name Changed. Amend the introductory paragraph of RSA 215-A:3-a to read as follows:

The commissioner of the department of resources and economic development, as a member of the bureau of [off highway recreational vehicles] *trails*, shall adopt rules under RSA 541-A relative to:

7 Name Changed. Amend RSA 215-A:16, II to read as follows:

II. The commissioner of the department of resources and economic development shall appoint a chief supervisor of the bureau of [off highway recreational vehicles] *trails*, who shall have additional duties as state parks and forest security officer with authority under RSA 594. The commissioner of the department of resources and economic development shall, at his discretion, also appoint bureau of [off highway recreational vehicles] *trail* area supervisors and foremen, who shall be peace officers for the purposes of RSA 594.

8 Name Changed. Amend RSA 215-A:23, V(d) to read as follows:

(d) All revenue generated in subparagraphs (a) and (b) shall be in addition to funds appropriated to the grant-in-aid program of the bureau of [off highway recreational vehicles] *trails*. Such revenue is hereby continually appropriated to the department of resources and economic development for the purposes of subparagraphs (a) and (b).

9 Name Changed. Amend RSA 215-A:29, XI(a) and (b) to read as follows:

(a) Verbal permission given to an OHRV club or to the chief of the bureau of [off highway recreational vehicles] *trails* shall be adequate for operating a snow traveling vehicle on trails established by organized OHRV clubs or on trails designated as snow traveling vehicle trails by the chief of the bureau of [off highway recreational vehicles] *trails*. A list and description of such designated snow traveling vehicle trails shall be maintained by the chief of the bureau of [off highway recreational vehicles] *trails*, and such list shall be available to the public upon request. Individuals operating snow traveling vehicles on such trails shall not be required to obtain specific landowner permission.

(b) Verbal permission given to an OHRV club or to the chief of the bureau of [off highway recreational vehicles] *trails* shall be adequate for operating a wheeled OHRV on trails established by organized OHRV clubs or on trails designated by the chief of the bureau of [off highway recreational vehicles] *trails* as wheeled OHRV trails. A list and description of such wheeled OHRV trails shall be maintained by the chief of the bureau of [off highway recreational vehicles] *trails* and shall be available to the public upon request. Individuals operating wheeled OHRVs on such trails shall not be required to obtain specific landowner permission.

10 Name Changed. Amend RSA 215-A:29, XI-a to read as follows:

XI-a. Verbal or written permission given by a landowner to an OHRV club, the chief of the bureau of [off highway recreational vehicles] *trails*, or an individual to permit OHRV operation on trails on his property shall in no way be construed as granting a lien or an irrevocable right to operate OHRVs on said property.

11 Name Changed. Amend RSA 215-A:40 to read as follows:

215-A:40 Operating Budget. The commissioner of the department of resources and economic development shall ensure that all sources of funding of the bureau of [off highway recreational vehicles] *trails* are reflected in the operating budget documents submitted by the department.

12 Name Changed. Amend RSA 236:56, II(d) to read as follows:

(d) Trail Connectors. All OHRVs may be operated within specified trail connectors and pursuant to the provisions of RSA 215-A:9. The commissioner of the department of transportation may limit the operation of specified types of OHRVs when [he] *the commissioner* feels this is necessary in matters of safety and maintenance of trail corridors or at the suggestion of the chief supervisor of the bureau of [off highway recreational vehicles] *trails*.

13 Members Added to Statewide Trail System Advisory Committee. Amend RSA 216-F:5, I to read as follows:

I. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, whose members shall equally represent the different trail interests involved and the general public, for the purposes of advising [him] *the director of parks and recreation* on matters related to the New Hampshire statewide trail system. This committee shall include, but not be limited to, representation from the following: the bureau of [off highway recreational vehicles] *trails*; department of fish and game; office of state planning; [New Hampshire Snow Traveling Vehicle Association; New England Trail Riders Association] *department of transportation; governor's commission on disability; New Hampshire Snowmobile Association*; Appalachian Mountain Club; New Hampshire Municipal Association; Society for the Protection of New Hampshire Forests; [and] a representative of landowners; *and the bicycle trail coordinator from the department of transportation*.

14 Assessment Required. The chief of the bureau of trails, with the guidance of the New Hampshire statewide trail system advisory committee established in RSA 216-F:5, shall publish a report by November 1, 1993, assessing the trail needs and trail conditions throughout the state. The assessment shall include a brief history of trail development and use, funding recommendations, volunteer contributions, trail use rules, legislative needs, and future outlook.

15 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill expands the membership of the New Hampshire statewide trail system advisory committee and requires the committee to publish a report assessing the trail needs and trail conditions throughout the state by November 1, 1993.

This bill also changes the bureau of off highway recreational vehicles to a bureau of trails in the division of parks and recreation of the department of resources and economic development. The bureau shall have the responsibility for and jurisdiction over state-owned trails.

Adopted.

Report adopted and referred to Executive Departments and Administration.

The Speaker vacated the reference to Executive Departments and Administration.

Ordered to third reading.

HB 282-FN, clarifying the public utilities commission's authority to establish a temporary rate schedule and notifying rate payers of changes in rates or conditions of service. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Cogswell for Science, Technology and Energy: The committee found that the Public Utilities Commission has ongoing discussions and a current rulemaking docket pertaining to public notice; and there is other legislation addressing the problems related to this filing. The full committee has indicated its intent to send a letter to the PUC relating to these concerns. Vote 11-0.

Adopted.

HB 283-FN, requiring that all capital investments made by a utility be reasonable and useful for current customers before rates are increased to cover the costs of the improvements. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Cogswell for Science, Technology and Energy: The committee found that the Public Utilities Commission has ongoing discussions and a current rulemaking docket pertaining to public notice; and there is other legislation addressing the problems relating to this filing. The full committee has indicated its intent to send a letter to the PUC relating to these concerns. Vote 12-0.

Adopted.

HB 441-FN, requiring all water utilities to perform a cost of service study to ensure that they are charging only for the actual expense of providing service to a particular town. INEXPEDIENT TO LEGISLATE

Rep. Stanley W. Peters for Science, Technology and Energy: This bill is directed at one utility but its passage would create problems for all utilities. The committee intends to write a letter to the Public Utilities Commission addressing its concerns and encouraging the PUC to address the problem which caused the bill to be filed. Vote 12-0.

Adopted.

HB 509, requiring the public utilities commission to distribute the economic burden of Seabrook equally among New Hampshire Electric Cooperative's customers. INEXPEDIENT TO LEGISLATE

Rep. Frederic A. Foss for Science, Technology and Energy: This bill seeks to restructure recent rate increases and redesign ordered by the Public Utilities Commission based on a cost of service study. Seabrook costs are reflected in wholesale rates and are not a direct factor in these recent increases. The PUC decision is on appeal to the State Supreme Court. The committee finds this bill unclear. Vote 12-0.

Adopted.

HB 524, relative to the caller ID block service. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Cogswell for Science, Technology and Energy: The Public Utilities Commission has reviewed the issue of caller ID blocking charges and provided for a 90-day no-charge promotional period. Other reasonable exceptions to the one-time charge also are provided for in order #20,494. Vote 12-0.

Adopted.

HCR 2, calling for a federal constitutional convention to propose an amendment to the United States Constitution to abolish the electoral college. INEXPEDIENT TO LEGISLATE

Rep. Carol H. Holden for State-Federal Relations: The call of a Constitutional Convention cannot be limited to the exclusive purpose of proposing an amendment to abolish the electoral college. If in fact a convention is called, it need not be limited to this issue or even necessarily consider it. Vote 12-2.

Adopted.

HCR 7, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. INEXPEDIENT TO LEGISLATE

Rep. Marion L. Copenhaver for State-Federal Relations: The committee felt opening up the Constitution for further amendments would be dangerous because the subject matter could not be limited to only one issue. Vote 10-2.

Rep. David Young moved that the words Ought to Pass be substituted for the report of the Committee Inexpedient to Legislate and spoke in favor.

(Rep. Michael Hill in the Chair)

Rep. Perry spoke against and yielded to questions.

Rep. Gorman spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 100**NAYS 232****YEAS 100
BELKNAP**

Campbell, Richard, Jr.
Rosen, Ralph

Golden, Paul
Salatiello, Thomas

Lafiam, Robert
Young, Niel

Rice, Thomas, Jr.

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Wiggin, Gordon

Bradley, Jeb
Foster, Robert

Chandler, Gene
Mock, Henry

CHESHIRE

Delano, Robert
Young, David

Hunt, John

Manning, Joseph

McNamara, Wanda

COOS

Pratt, Leighton

GRAFTON

Ham, Bonnie

Rose, William

Scanlan, David

Trelfa, Richard

HILLSBOROUGH

Allen, W. Gordon
Cepaitis, Elizabeth
Fenton, James
L'Heureux, Robert
Lessard, Rudy
Morello, Michael
Smart, John
Wright, George

Arnold, Thomas, Jr.
Desrosiers, William
Holt, Mark
Lachut, Ervin
Milligan, Robert
Paquette, Rodolphe
Smith, Leonard

Borsa, Andrew
Domaingue, Jacquelyn
Hunter, Bruce
Laughlin, J. Francis
Mittelman, David
Pepino, Leo
Tate, Joan

Calawa, Leon, Jr.
Dykstra, Leona
Jean, Loren
Leclerc, Charles
Moncrief, Keith
Riley, Frances
Wheeler, Robert

MERRIMACK

Barberia, Richard
Nichols, Avis

Johnson, C. William
Rogers, Katherine

Kennedy, Richard
Shaw, Randall

Langer, Ray

ROCKINGHAM

Aranda, M. Kathryn
Coes, Betsy
Dube, LeRoy
Gorman, Donald
McKinney, Betsy
Pullman, Robert
Sytek, Donna
Williamson, William

Bove, Martin
Crum, William, Jr.
Flanagan, Natalie
Hazelton, Robert
Noyes, Richard
Putnam, Ed, II
Sytek, John
Yennaco, Carol

Campbell, Marilyn
DiPietro, Carmela
Flanders, David
Hurst, Sharleene
Packard, Sherman
Smith, Arthur
Welch, David

Clark, Vivian
Drake, Herbert
Flanders, John, Sr.
Lovejoy, Marian
Pratt, Katharin
Stone, Joseph
Weyler, Kenneth

STRAFFORD

Callaghan, Frank
Torr, Ralph

Douglass, Clyde
Wasson, Richard

Kincaid, William

Knowles, William

SULLIVAN

Domini, Irene

**NAYS 232
BELKNAP**

Bartlett, Gordon
Holbrook, Robert

Cain, Thomas
Smith, Linda

Dewhirst, Glenn
Turner, Robert

Hawkins, Robert
Ziegler, Alice

CARROLL

Lyman, L. Randy

Saunders, Howard

CHESHIRE

Avery, Stephen
Cole, Stacey
McGuirk, Paul
Pratt, Irene
Royce, H. Charles

Bonneau, Sarah
DePecol, Benjamin
Metzger, Katherine
Richardson, Barbara
Russell, Ronald

Burnham, Daniel
Foster, Katherine
Pearson, Gertrude
Riley, William
Smith, Edwin

Champagne, Richard
Kingsbury, H. Thayer
Perry, David
Robertson, Timothy

COOS

Bradley, Paula
Hawkinson, Marie
Wiswell, James

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Patricia
Driscoll, William
LaMott, Paul
Teschner, Douglass

Bean, Pamela
Chase, Paul, Jr.
Eaton, Stephanie
Larson, Nils, Jr.
Wadsworth, Karen

Below, Clifton
Copenhaver, Marion
Gordon, Edward
McIlwaine, Deborah
Ward, Kathleen

Brown, Alson
Crary, Elizabeth
Guest, Robert
Nordgren, Sharon
White, Paul

HILLSBOROUGH

Ackerman, Philip
Andrews, Frederick
Bergeron, Lucien
Chabot, Robert
Daniels, Gary
Durham, Susan
Franks, Suzan
Haettenschwiller, Alphonse
Healy, Daniel
Jean, Claudette
Kirby, Thomas
McCarty, Winston
Morrisette, Roland
Perkins, Paul
Reidy, Frank
Sargent, Maxwell
Turgeon, Roland
White, John

Ahern, Richard
Arnold, Barbara
Bergeron, Normand
Clemons, Jane
Donovan, Francis
Eliades, George
Gage, Ruth
Hall, Betty
Holden, Carol
Johnson, Lionel
Lown, Elizabeth
McNerney, Daniel
Murphy, Robert
Peters, Stanley
Rheault, Lillian
Searles, Stanley, Sr.
Upton, Barbara

Ahrens, Frederick
Asselin, Robert
Bowers, Dorothy
Cowenhoven, Garret
Drabinowicz, A. Theresa
Ferguson, Charles
Gagnon, Eugene
Hanselman, Gregory
Holley, Sylvia
Kelley, Dana
Lozeau, Donnalee
Mercer, Robert
O'Rourke, Joanne
Philbrook, Paula
Rothhaus, Finlay
Soucy, Donna
Vanderlosk, Stanley

Amidon, Eleanor
Bagley, Amy
Buckley, Raymond
Daigle, Robert
Drolet, Paul
Fields, Dennis
Gosselin, Gerald
Hart, Nick
Jasper, Shawn
Kelley, Robert
Martin, Mary Ellen
Messier, Irene
Packard, Bonnie
Record, Alice
Rothhaus, Roland
Toomey, Kathryn
Weergang, Alida

MERRIMACK

Apple, Lowell
Chandler, Earle
Fillion, Paul
Houlahan, Thomas
Moore, Carol
Soldati, Jennifer
Weeks, John, Jr.
Eaton, Charles

Braiterman, Thea
Daneault, Gabriel
Gilbreth, Robert
Johnson, Joyce May
Newland, Matthew
Teague, Bert
Whalley, Michael

Buessing, Marjorie
Dunn, Miriam
Hall, Douglas
Kidder, William
Owen, Derek
Trombly, Rick
Whittemore, James

Carter, Susan
Feuerstein, Martin
Holmes, Mary
Lockwood, Robert
Pfaff, Terence
Ward, Jay
Willis, Jack

ROCKINGHAM

Arndt, Janet	Bell, Juanita	Caswell, Albert, Jr.	Chester, Sherman
Christie, Andrew, Jr.	Clark, Martha	Cote, Patricia	Crossman, Harold, Jr.
Dowd, Sandra	Dowling, Patricia	Fesh, Robert	Gage, Beverly
Hemenway, Thomas	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca
Malcolm, Kenneth	McGovern, Cynthia	Miller, Don	Moore, Benjamin
O'Keefe, Patricia	Pantelakos, Laura	Raynowska, Bernard	Ritzo, Eugene
Rosencrantz, James	Rubin, George	Schanda, Joseph, Sr.	Senter, Marilyn
Skinner, Patricia	Stritch, C. Donald	Syracusa, Anthony	Terninko, Margaret
Vaughn, Charles	Woods, Deborah		

STRAFFORD

Brown, George	Chagnon, Ronald	Gilmore, Gary	Hambrick, Patricia
Hemon, Roland	Hilliard, Dana	Keans, Sandra	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert
Merrill, Amanda	Merritt, Deborah	Nehring, William	O'Brien, John
Pageotte, Donald	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Vincent, Francis
Wall, Janet	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Lindblade, Eric
Palmer, Lorraine	Peyron, Fredrik	Schotanus, Merle	Stamatakis, Carol

and the motion failed.

Report adopted.

HCR 9, relative to population policy and environmental preservation. **OUGHT TO PASS**

Rep. Katherine W. Wheeler for State-Federal Relations: All of the extensive testimony which we heard supported the resolution. Human population growth is the major crisis facing our planet. There are 5-1/2 billion people in the world today. With the current trends, our population will reach nine billion by the year 2030. We have over-filled our world and need to pull back in order to reach the level of sustainability. Vote 9-5.

On a division vote, 213 members having voted in the affirmative and 106 in the negative, the resolution was adopted.

Ordered to third reading.

Reps. Healy and Guay notified the Clerk that they wished to be recorded in opposition to the resolution.

HB 142, relative to motorcycle noise levels from American-made motorcycles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for the Majority of Transportation: This bill as amended limits the noise level of motorcycles to 106 decibels for one and two-cylinder motorcycles operating at 2,800 revolutions per minute and for motorcycles with three or more cylinders operating at 3,500 revolutions per minute. The noise level is measured 20 inches from the exhaust pipe at a 45 degree angle. This bill also prohibits a person from operating any motorcycle which produces 106 decibels on the A scale when measured in accordance with the annual report of the Society of Automotive Engineers. Vote 8-6.

Reps. Kenneth W. Malcolm, Bernard J. Raynowska, William H. Crum, Jr., Fred A. Kruse, David L. Richards, Timothy N. Robertson for the Minority of Transportation. The minority feels this bill increases the exposure to noise for the general populace and should be defeated. It would increase the noise limit for street motorcycles of the single and two-cylinder types by changing the testing procedure for these machines. The current law contains a limit that touches upon the threshold of pain and will cause hearing loss for continued exposures.

Amendment (1283B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to motorcycle noise levels.

Amend the bill by replacing all after the enacting clause with the following:

1 Noise Level Based on Number of Cylinders. Amend RSA 266:59-a, I-II to read as follows:

I. No person shall operate a motorcycle which has a measured noise level of more than 106 decibels on the decibel meter when measured 20 inches from the exhaust pipe at a 45 degree angle while the engine is operating at [3,500 revolutions per minute] **2,800 revolutions per minute for one and 2 cylinder motorcycles and 3,500 revolutions per minute for any motorcycle with 3 or more cylinders.**

II. No person shall pass for the purposes of the inspection required by RSA 266:1 any motorcycle which has a measured noise level of more than 106 decibels on the decibel meter when measured 20 inches from the exhaust pipe at a 45 degree angle while the engine is operating at [3,500 revolutions per minute] **2,800 revolutions per minute for one and 2 cylinder motorcycles and 3,500 revolutions per minute for any motorcycle with 3 or more cylinders.**

II-a. No person shall operate in this state any motorcycle which produces a sound level in excess of 106 decibels on the A scale, when measured in accordance with the provisions of the Society of Automotive Engineers Recommended Practice ANSI/SAE J-1287 annual report on "Measurement of Exhaust Sound Levels of Stationary Motorcycles."

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill limits the noise level of motorcycles to 106 decibels for one and 2 cylinder motorcycles operating at 2,800 revolutions per minute and for motorcycles with 3 or more cylinders operating at 3,500 revolutions per minute.

The noise level is measured 20 inches from the exhaust pipe at a 45 degree angle.

This bill also prohibits a person from operating any motorcycle which produces 106 decibels on the A scale when measured in accordance with the annual report of the society of Automotive Engineers.

Adopted.

Report adopted and ordered to third reading.

HB 357, allowing the department of motor vehicles to revoke a license for up to 10 years for accidents involving a fatality. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. George N. Katsakiores for the Majority of Transportation: In as much as current law allows the courts to suspend or revoke licenses for up to seven years in certain instances, the majority of the committee felt the revocation or suspension of licenses for up to 10 years in the case of a fatality is justified. Vote 11-5.

Reps. Thomas G. Cain, William H. Crum, Jr., Fred A. Kruse, Timothy N. Robertson and James P. Wiswell, for the Minority of Transportation. The Minority feels that this bill transfers even more power from the judicial to the administrative branch of government. It also attacks the right to stand trial before a judge and jury of one's peers, and the principles of presumed innocence and double jeopardy.

Rep. George Katsakiores moved Recommit to Committee and spoke in favor.

Adopted.

HB 658-FN, relative to access to health care for the uninsured. INEXPEDIENT TO LEGISLATE

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: This bill appears to be duplicated by SB 208, initiated by Senator McLane, which will be coming to the House in the near future. Vote 16-0.

LAI D ON THE TABLE

Rep. Katherine Foster moved that **HB 658-FN**, relative to access to health care for the uninsured, be laid on the table.

Adopted.

HB 240, modifying the definition of obscene material. **INEXPEDIENT TO LEGISLATE**

Rep. Rick G. Newman for Judiciary: The committee believes changing the standard from the current county wide to individual communities would create far too much confusion and inconsistencies. Vote 15-1.

Rep. Arthur Smith moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Lown spoke against and yielded to questions.

Rep. Newman spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 56

NAYS 279

**YEAS 56
BELKNAP**

Cain, Thomas
Young, Niel

Golden, Paul

Rosen, Ralph

Turner, Robert

CARROLL

Cogswell, Richard

Saunders, Howard

CHESHIRE

Delano, Robert

Young, David

COOS

None

GRAFTON

Dow, David

Rose, William

HILLSBOROUGH

Bergeron, Lucien
Holley, Sylvia
Laughlin, J. Francis
Paquette, Rodolphe
Wheeler, Robert

Daniels, Gary
Kirby, Thomas
Leclerc, Charles
Pepino, Leo
Wright, George

Domaigne, Jacquelyn
L'Heureux, Robert
Mercer, Robert
Riley, Frances

Dykstra, Leona
Lachut, Ervin
Moncrief, Keith
Tate, Joan

MERRIMACK

Barberia, Richard
Kennedy, Richard

Buessing, Marjorie
Langer, Ray

Fillion, Paul
Shaw, Randall

Holmes, Mary

ROCKINGHAM

DiPietro, Carmela
Hurst, Sharleene
Noyes, Richard
Smith, Arthur

Dowd, Sandra
Johnson, Robert
Pratt, Katharin
Sytek, John

Dube, LeRoy
Klemarczyk, Thaddeus
Raynowska, Bernard
Welch, David

Gage, Beverly
Klemm, Arthur, Jr.
Rubin, George
Weyler, Kenneth

STRAFFORD

Callaghan, Frank

Knowles, William

Spear, Barbara

Wasson, Richard

SULLIVAN

**NAYS 279
BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Smith, Linda

Campbell, Richard, Jr.
Lafiam, Robert
Ziegler, Alice

Dewhirst, Glenn
Rice, Thomas, Jr.

Hawkins, Robert
Salatiello, Thomas

CARROLL

Allard, Nanci
Foster, Robert
Wiggin, Gordon

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Mock, Henry

Dickinson, Howard, Jr.
Philbrick, Donald

CHESHIRE

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
Metzger, Katherine
Richardson, Barbara
Russell, Ronald

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Pearson, Gertrude
Riley, William
Smith, Edwin

Burnham, Daniel
Foster, Katherine
McGuirk, Paul
Perry, David
Robertson, Timothy

Champagne, Richard
Hunt, John
McNamara, Wanda
Pratt, Irene
Royce, H. Charles

COOS

Bradley, Paula
Guay, Lawrence
Mears, Edgar

Burns, Harold
Hawkinson, Marie
Merrill, Gerald

Coulombe, Henry
Horton, Lynn
Pratt, Leighton

Foss, Frederick
Mayhew, Josephine
Wiswell, James

GRAFTON

Adams, Carl
Brown, Patricia
Driscoll, William
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

Bean, Pamela
Chase, Paul, Jr.
Eaton, Stephanie
LaMott, Paul
Scanlan, David
Ward, Kathleen

Below, Clifton
Copenhaver, Marion
Gordon, Edward
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Brown, Alson
Croy, Elizabeth
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Asselin, Robert
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Durham, Susan
Fields, Dennis
Gosselin, Gerald
Hart, Nick
Hunter, Bruce
Johnson, Lionel
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Murphy, Robert
Peters, Stanley
Rheault, Lillian
Smart, John
Turgeon, Roland

Ahern, Richard
Andrews, Frederick
Bagley, Amy
Buckley, Raymond
Clemons, Jane
Donovan, Francis
Eliades, George
Franks, Suzan
Haettenschwiller, Alphonse
Healy, Daniel
Jasper, Shawn
Kelley, Dana
Lown, Elizabeth
McNemey, Daniel
Mittelman, David
O'Rourke, Joanne
Philbrook, Paula
Rothhaus, Finlay
Smith, Leonard
Upton, Barbara

Ahrens, Frederick
Arnold, Barbara
Bergeron, Norman
Calawa, Leon, Jr.
Cowenhoven, Garret
Drabinowicz, A. Theresa
Fenton, James
Gage, Ruth
Hall, Betty
Holden, Carol
Jean, Claudette
Kelley, Robert
Lozeau, Donnalee
McRae, Karen
Morello, Michael
Packard, Bonnie
Record, Alice
Sargent, Maxwell
Soucy, Donna
Vanderlosk, Stanley

Allen, W. Gordon
Arnold, Thomas, Jr.
Borsa, Andrew
Cepaitis, Elizabeth
Daigle, Robert
Drolet, Paul
Ferguson, Charles
Gagnon, Eugene
Hanselman, Gregory
Holt, Mark
Jean, Loren
Lefebvre, Roland
Martin, Mary Ellen
Messier, Irene
Morrissette, Roland
Perkins, Paul
Reidy, Frank
Searles, Stanley, Sr.
Toomey, Kathryn
White, John

MERRIMACK

Apple, Lowell
Daneault, Gabriel
Hall, Douglas
Kidder, William
Nichols, Avis
Soldati, Jennifer
Weeks, John, Jr.
Yeaton, Charles

Braiterman, Thea
Dunn, Miriam
Houlahan, Thomas
Lockwood, Robert
Owen, Derek
Teague, Bert
Whalley, Michael

Carter, Susan
Feuerstein, Martin
Johnson, C. William
Moore, Carol
Pfaff, Terence
Trombly, Rick
Whittemore, James

Chandler, Earle
Gilbreth, Robert
Johnson, Joyce May
Newland, Matthew
Rogers, Katherine
Ward, Jay
Willis, Jack

ROCKINGHAM

Arndt, Janet
Caswell, Albert, Jr.
Clark, Vivian

Blake, Daniel
Chester, Sherman
Coes, Betsy

Bove, Martin
Christie, Andrew, Jr.
Cote, Patricia

Campbell, Marilyn
Clark, Martha
Crum, William, Jr.

Dowling, Patricia
 Flanders, David
 Hutchinson, Karen
 Lee, Rebecca
 McKinney, Betsy
 O'Keefe, Patricia
 Putnam, Ed, II
 Senter, Marilyn
 Syracuse, Anthony
 Williamson, William

Drake, Herbert
 Flanders, John, Sr.
 Kane, Cecelia
 Lovejoy, Marian
 Miller, Don
 Packard, Sherman
 Ritzo, Eugene
 Skinner, Patricia
 Sytek, Donna
 Woods, Deborah

Fesh, Robert
 Gorman, Donald
 Katsakiores, George
 Malcolm, Kenneth
 Moore, Benjamin
 Pantelakos, Laura
 Rosencrantz, James
 Stone, Joseph
 Teminko, Margaret
 Yennaco, Carol

Flanagan, Natalie
 Hemenway, Thomas
 Kruse, Fred
 McGovern, Cynthia
 Newman, Rick
 Pullman, Robert
 Schanda, Joseph, Sr.
 Stritch, C. Donald
 Vaughn, Charles

STRAFFORD

Brown, George
 Hambrick, Patricia
 Kincaid, William
 McGrath, J. Gregory
 Nehring, William
 Pelletier, Marsha
 Torr, Ann
 Wheeler, Katherine

Chagnon, Ronald
 Hemon, Roland
 Loder, Suzanne
 McKinley, Robert
 O'Brien, John
 Rogers, Rose Marie
 Torr, Ralph

Douglass, Clyde
 Hilliard, Dana
 Lundborn, Raymond
 Merrill, Amanda
 Pageotte, Donald
 Snyder, Clair
 Vincent, Francis

Gilmore, Gary
 Keans, Sandra
 McCann, William, Jr.
 Merritt, Deborah
 Pelletier, Arthur
 Sullivan, Henry
 Wall, Janet

SULLIVAN

Allison, David
 Domini, Irene
 Lindblade, Eric
 Schotanus, Merle

Behrens, Thomas
 Flint, Gordon
 Palmer, Lorraine
 Stamatakis, Carol

Burling, Peter
 Holl, Ann
 Peyron, Fredrik

Cioutier, John
 Kane, Joan
 Rodeschin, Beverly

and the motion failed.

Report adopted.

HB 305, requiring legislative committee chairpersons and vice-chairpersons to be appointed according to party affiliation. **INEXPEDIENT TO LEGISLATE**

Rep. Alice Barnard Record for Legislative Administration: The committee vote was based on the fact that all testimony had been against the bill. The sponsor had wanted to withdraw the bill but it was too late. Vote 10-1.

Adopted.

HCR 4, urging Congress to enact legislation that allows citizens of the United States of America to designate a portion of their federal income taxes to be used solely for federal debt reduction. **INEXPEDIENT TO LEGISLATE**

Rep. Marion L. Copenhaver for State-Federal Relations: The committee felt that although the concept was laudable it would have no practical effect on deficit reduction. The budget could be increased by an equal amount. Vote 14-0.

Rep. Beverly Gage moved Recommit to Committee.

Adopted.

HCR 5, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears. **INEXPEDIENT TO LEGISLATE**

Rep. William P. Boucher for State-Federal Relations: This HCR gives Aid to Family with Dependent Children recipients on court orders an extra \$50 of payment as an incentive to payees to pay in a timely manner. Should this HCR be put into law, the AFDC program would create a special class of recipients, those under a court order would receive the \$50 pass through. The HCR does not address the problem as the subcommittee sees the problem. Vote 14-0.

Rep. Beverly Gage moved Recommit to Committee.

Adopted.

HB 101, categorizing motor vehicle child passenger restraints by age. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fred A. Kruse for Transportation: This bill allows for classification of child passenger restraints by age and allows exemptions for school buses meeting federal safety requirements for compartmentalization. It also provides for individual exemptions for children when an individual education plan so recommends. Vote 15-0.

Amendment (1289B)

Amend RSA 265:107-a, II, as inserted by section 1 of the bill by replacing it with the following:

II. A person shall not be guilty of a violation of this section if[:

(a)] the motor vehicle he is driving is regularly used to transport passengers for hire, is a school bus [as defined in RSA 259:96] *weighing more than 10,000 pounds or is a school bus weighing less than 10,000 pounds that was manufactured without safety belts, or there is an individual education plan statement contraindicating the use of restraints, is a vehicle manufactured before 1968 or is* an antique motor car or motorcycle as defined in RSA 259:4[; or

(b) The child under 12 years of age whom he is carrying as a passenger has a physical condition which prevents the use of seat or safety belts or child passenger restraints].

AMENDED ANALYSIS

This bill requires a child less than 4 years of age to be fastened and secured by a child passenger restraint in accordance with federal standards. Children from age 4 up to 12 shall wear seat or safety belts.

A person driving a motor vehicle used to transport passengers for hire without safety belts a vehicle manufactured before 1968 or certain types of school buses shall not be subject to the requirements of this section. The bill removes the exemption for children under 12 on motorcycles or with certain physical conditions.

This bill is a request of the department of transportation.

Rep. George Katsakiores spoke in favor.

Adopted.

Report adopted and ordered to third reading.

(Speaker Burns in the Chair)

REVENUE ESTIMATES

Rep. Cowenhoven reported on the Revenue Estimates.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 3, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 293, relative to notice to tenants prior to the sale of a manufactured housing park.

HB 313, relative to mortgage insurance.

HB 405, relative to financing of manufactured housing.

HB 473-FN, exempting certain charitable organizations from certain charitable trust filing fees.

HB 521, relative to maternity benefits.

HB 339, relative to reporting requirements for elected officials and candidates.

HB 514, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees.

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections.

HB 102, changing the penalty for DWI and boating while intoxicated while transporting a person under the age of 16.

- HB 131**, repealing a penalty provision regarding anabolic steroids.
- HB 183-FN**, relative to eligibility for parole.
- HB 324**, relative to conditional discharge of a patient under the mental health laws.
- HB 135**, exempting certain properties from the long-range planning process prior to the sale of the property by the division of human services.
- HB 596-FN**, to provide rulemaking notice to municipalities and legislators.
- HB 386**, establishing a committee to study the district court system.
- HB 460**, allowing the court to order offenders to pay restitution to the victims' assistance fund.
- HB 504**, relative to organ transplants.
- HB 113**, expanding the financial authority of towns.
- HB 238**, authorizing a member of a cooperative school district to serve on a town budget committee.
- HB 243**, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level.
- HB 244**, relative to parking violation enforcement.
- HB 275**, allowing towns to create special funds for highway expenditures.
- HB 277-L**, extending the powers of heritage commissions to historic district commissions.
- HB 330**, relative to the authority of municipalities to designate certain roads as class V highways.
- HB 342-L**, relative to the use of revenue derived from parking meters for public transportation systems.
- HB 354**, relative to electing planning board members in towns without a town council form of government.
- HB 548**, providing staggered terms for county commissioners in Carroll county.
- HB 199-FN**, requiring municipalities to use state police forms for license applications and licenses to carry pistols and revolvers.
- HB 363**, exempting certain nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from obtaining such license in this state.
- HB 252-FN-L**, allowing the wetlands board to adopt rules to expedite the permitting process for minimum impact projects.
- HB 609**, designating segments of the Ashuelot River for the rivers management program.
- HB 136**, pertaining to the authority and operation of the public utilities commission.
- HB 128-FN**, relative to the penalty for falsifying applications and to the fee for picture identification cards.
- HB 117**, limiting the possessing or taking of marine mammals and prohibiting the taking of a fin fish or crustacean with mobile gear and salmon and striped bass with any netting.
- HB 118**, repealing the prohibition against fishing on a certain portion of the Winnicut River.
- HB 138**, relative to revocation of hunting and fishing privileges and repealing statutory provisions relative to a guide's license to take bear.
- HB 153**, prohibiting the buying and selling of bear.
- HB 475**, relative to special permits for the use of crossbows by physically disabled persons.
- HB 447-A**, to acquire land at Odiorne Point and making an appropriation therefor.
- HB 381**, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot.
- HB 448**, to define total expenditures made during a state primary campaign.
- HB 490**, permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared.
- HB 531**, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.
- HB 182-FN**, requiring the members of executive branch boards and commissions to file financial disclosure statements.
- HB 493**, revising the laws that require a prescription to purchase a hypodermic needle.
- HB 598-FN**, authorizing the medical examiner to release corneas in certain cases for use in corneal transplants.

HB 221-FN, modifying the fish and game department's eminent domain powers.

HB 224-FN-L, relative to the organization, accountability and liability of municipal fire departments.

HB 428-FN-L, authorizing the county convention for Rockingham county to employ a delegation coordinator.

HB 223, changing the bureau of off highway recreational vehicles to the bureau of trails and expanding the bureau's duties.

HCR 9, relative to population policy and environmental preservation.

HB 142, relative to motorcycle noise levels.

HB 101, categorizing motor vehicle child passenger restraints by age.

RECONSIDERATION

Having voted with the prevailing side, Rep. Lozeau moved that the House reconsider its action whereby it passed **HB 490**, permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared, and **HB 531**, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

Rep. Avery requested that the question be divided.

The Speaker declared that the question was divisible.

Reconsideration lost on HB 490.

Reconsideration lost on HB 531.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 16

memorializing former State Representative Nelson E. Barker of Stratham

WHEREAS, it is with great sadness and regret that we have learned of the death of Nelson E. Barker, who between the years of 1959 and 1968 did serve five consecutive terms as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, Nelson E. Barker did sit as an esteemed member of the Standing Committees on Municipal and County Government and on Public Health, having served as Vice Chairman of each Committee while having earned the respect and confidence of his colleagues, and

WHEREAS, having been blessed with an abundance of energy and community spirit, Nelson E. Barker did serve the residents of Stratham in numerous capacities, including twenty-one years as a Selectman, and as Trustee of Town Trust Funds and as Town Building Inspector, and

WHEREAS, having been a lifelong resident of Stratham, Nelson E. Barker did serve twenty-two years as Treasurer of the Stratham Fair Association, and was a volunteer fireman with the local Fire Department, and

WHEREAS, Nelson E. Barker was a former President of the Seacoast Regional Development Association, now therefore be it

RESOLVED, by the House of Representatives, in Regular Session convened, that Nelson E. Barker be granted highest praise and recognition for his dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

UNANIMOUS CONSENT

Rep. Ferguson addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 5:30 p.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1-A, 25-A, 60-FN-A through 62-FN-A, 688 and 689-FN-L, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994 and June 30, 1995. (C. Brown, Graf/14, to Appropriations)

HB 25-A, making appropriations for capital improvements. (G. Chandler, Carr/1, to Public Works)

HB 60-FN-A, setting a rate for the communications services tax. (Gross, Merr/18, to Ways and Means)

HB 61-FN-A, relative to the rate of the real estate transfer tax. (Gross, Merr/18, to Ways and Means)

HB 62-FN-A, relative to the meals and rooms tax for the period beginning July 1, 1993, through June 30, 1995. (Gross, Merr/18, to Ways and Means)

HB 688, relative to the felonious use of crossbows. (D. Welch, Rock/18, to Public Protection and Veterans Affairs)

HB 689-FN-L, relative to funds for students residing in unorganized places. (Horton, Coos/3, to Municipal and County Government)

ENROLLED BILL REPORT

HB 234, relative to the Winnisquam regional cooperative school district and the Tilton and Northfield union school district.

Sen. Currier, Rep. Dunn, For the Committee

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 8

Wednesday, March 3, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Uphold us, O God, as we strive to do the work which You have entrusted to us. Make us bold enough to speak the truth in love, and humble enough to hear and receive the truth that others are speaking. And grant us grace to use our freedom wisely and reverently for the well being of those whom we serve. Amen.

Rep. Allen Wiggin led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Paula Bradley, Mason, Groves, O'Brien, Wall, Eaton, Richard Soucy and Ahlgren, the day, illness.

Reps. Asselin, Newland, William Riley, Morello, Upton, Gargiulo, Rose Marie Rogers, MacDonald and Weyler, the day, important business.

Reps. Irene Pratt and Tate, the day, illness in the family.

INTRODUCTION OF GUESTS

Twenty students from Ecuador studying English in Concord, guests of Rep. Michael Hill and the Concord delegation. Dr. Guy Lessard, guest of Rep. Plourde. John Tirrios and Beth Ruesch, guests of Rep. Avery. Dr. Elliot Laskey, guest of Rep. Bonnie McCann. Former Rep. Peter Stio, guest of Rep. Gene Chandler. Pamela Noyes, Katie Noyes and Laetitia Guillemot, guests of Rep. Woods. Jason Ramos, Jeff Driscoll and Bill Driscoll, guests of Rep. Manning.

ENROLLED BILL AMENDMENT

HB 104-FN-L, amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal year ending June 30, 1994.

Amendment (1618B)

Amend the title of the bill by replacing it with the following:

AN ACT

amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal years ending June 30, 1994 and December 31, 1993, respectively.

Amend the bill by replacing the section heading of section 2 with the following:
2 Sunapee Property Taxes.

Adopted.

EXTENSIONS

The Committee on Commerce, Small Business and Consumer Affairs requested seven-calendar-day extensions on:

HB 197, relative to insurance fraud

HB 341, relative to a small employer insurance availability act

HB 394, relative to discrimination in automobile insurance policies

HB 552, prohibiting insurance companies from refusing to insure pre-existing conditions.

Granted.

SENATE MESSAGE**CONCURRENCE**

HCR 10, encouraging Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to banks and to repeal those laws and regulations.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 17

memorializing State Representative Roger B. Laroche of Manchester

WHEREAS, it is with great sadness and regret that we have learned of the death of our colleague, Roger B. Laroche, affectionately known to all as Ted, and

WHEREAS, Roger B. Larochele was serving his second term as an honorable member of the New Hampshire House of Representatives and did sit, with dedication and aplomb, on the Standing Committee on Executive Departments and Administration, and

WHEREAS, having been blessed with an abundance of energy and community spirit, Roger B. Larochele did serve the residents of Manchester as an Alderman, as a member of the City Committee and as a Ward 5 Committee member, and

WHEREAS, having been born in Manchester, Roger B. Larochele did live for a period in Canada and during World War II did serve three years with the Royal Canadian Army, and

WHEREAS, Roger B. Larochele, for three years during the Korean War did serve with the United States Army and for forty-six years held membership in the American Legion, now therefore be it

RESOLVED, by the House of Representatives, in Regular Session convened, that Roger B. Larochele be granted highest praise and recognition for his dedicated and exemplary legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 388, relative to disclosures by the seller of real property, was removed at the request of Rep. Harwell.

HB 389, relative to information which need not be disclosed in the sale of property, was removed at the request of Rep. Harwell.

HB 456-FN, modifying the bail statues relative to persons arrested for violating certain protective orders, was removed at the request of Rep. Harwell.

HB 666-FN-L, increasing fees charged by sheriffs and deputy sheriffs, was removed at the request of Rep. Shaw.

HB 370, establishing a local government advisory committee, was removed at the request of Rep. Salatiello.

HB 445-FN-A, requiring a study of state and local expenditures and making an appropriation therefor, was removed at the request of Rep. Teschner.

HB 629-FN-L, changing the interest rate on delinquent property taxes and subsequent taxes, was removed at the request of Rep. Hanselman.

HB 522, relative to the observance of Memorial Day, was removed at the request of Rep. Marsha Pelletier.

HB 310, relative to the definition of "bedroom" for the purposes of determining septic system size, was removed at the request of Rep. Conroy.

Consent Calendar adopted.

HB 578, requiring grandparents who are petitioning for visitation with their grandchildren to pay only for their personal costs. OUGHT TO PASS WITH AMENDMENT

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: The amendment to this bill eliminates any cost provision in the statute. Common law then would dictate that each party in the action pay for his/her own costs. This does not preclude either side from dealing with the issue of cost within the context of an individual case. Vote 20-1.

Amendment (1322B)

Amend the title of the bill by replacing it with the following:

AN ACT

repealing the requirement that grandparents pay all costs arising out of petitions for visitation with their grandchildren.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 458:17-d, VII, relative to requiring grandparents to pay all costs arising out of petitions for visitation with their grandchildren, is repealed.

AMENDED ANALYSIS

This bill repeals the requirement that grandparents pay all costs arising out of petitions for visitation with their grandchildren.

HB 266-FN, regulating home improvement contractors. INEXPEDIENT TO LEGISLATE

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The unanimous vote of the committee was predicated on the majority of the testimony which was opposed to the bill, and the bill was too convoluted to accomplish the sponsor's intent. Vote 14-0.

HB 284, regarding notice for condominium association meetings and relative to proxy voting by condominium owners. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill removes an unnecessary burden on condominium associations. First-class mail was deemed an adequate method of notification. The bill also addresses the problem of proxy solicitation. Vote 17-0.

Amendment (1430B)

Amend the title of the bill by replacing it with the following:

AN ACT

regarding notice for condominium association meetings
and relative to voting by condominium owners.

Amend the bill by replacing all after the enacting clause with the following:

1 Requirement of Certified Mail Removed. Amend RSA 356-B:37 to read as follows:

356-B:37 Meetings. Meetings of the unit owners' association shall be held in accordance with the provisions of the condominium instruments at least once each year after the formation of said association. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting, and at least 7 days in advance of any other meeting, send to each unit owner notice of the time, place, and purpose or purposes of such meeting. Such notice shall be sent by *first class* United States [certified] mail to all unit owners of record at the address of their respective units and to such other addresses as any of them may have designated to such officer. *The secretary or other duly authorized officer of the unit owners association, who shall also be a member of the board of directors of the unit owners association, shall prepare an affidavit which shall be accompanied by a list of the addresses of all unit owners currently on file with the association and shall attest that notice of the association meeting was mailed to all unit owners on that list by first class mail. A copy of the affidavit and mailing list shall be available at the noticed meeting for inspection by all owners then in attendance and shall be retained with the minutes of that meeting. The affidavit required in this section shall be available for inspection by unit owners for at least 3 years after the date of the subject meeting.*

2 Requirement Eliminated. Amend RSA 356-B:39, IV to read as follows:

IV. The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. *The proxy or proxies shall list the name of the person who is to vote.* No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated[,] *or* if it purports to be revocable without notice as aforesaid[, or if the signature of any of those executing the same has not been duly acknowledged]. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. *The board of directors of the unit owners association shall devise procedures to assure that all proxies voted at any meeting are valid and were duly executed by association members having the right to vote.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill eliminates the requirement that notice of condominium association meetings be sent by certified mail.

This bill eliminates the requirement that all proxies submitted by condominium owners be notarized.

HB 322, requiring the insurance department in cooperation with insurers to define the term "usual and customary." OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill requires all health insurers, health maintenance organizations, medical service corporations, hospital service corporations, health service corporations and multiple employer welfare arrangements to provide to each policyholder, certificate holder or subscriber, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code. Vote 17-0.

Amendment (1516B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring insurers to provide insureds with a statement reflecting the dollar amount of allowable benefit for medical procedures.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Notification of Allowable Benefit; Accident and Health Insurers. Amend RSA 415 by inserting after section 22-a the following new section:

415:22-b Notification of Allowable Benefit. All individual and group health insurers providing benefits for medical and hospital expenses shall provide to each certificate holder, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

2 New Paragraph; Notification of Allowable Benefit; Multiple-Employer Welfare Arrangements. Amend RSA 415-E:3 by inserting after paragraph II the following new paragraph:

II-a. Each arrangement shall provide to each covered employee, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

3 New Section; Notification of Allowable Benefits; Hospital Service Corporations. Amend RSA 419 by inserting after section 5-d the following new section:

419:5-e Notification of Allowable Benefit. All hospital service corporations and every other similar corporation licensed under the law of another state shall provide to each subscriber, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

4 New Section; Notification of Allowable Benefit; Medical Service Corporations. Amend RSA 420 by inserting after section 5-e the following new section:

420:5-f Notification of Allowable Benefit. All medical service corporations and every other similar corporation licensed under the laws of another state shall provide to each certificate holder, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

5 New Section; Notification of Allowable Benefits; Health Service Corporations. Amend RSA 420-A by inserting after section 7-g the following new section:

420-A:7-h Notification of Allowable Benefit. All nonprofit health service corporations and every other similar corporation licensed under the laws of another state shall provide to each subscriber, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

6 New Section; Notification of Allowable Benefit; Health Maintenance Organizations. Amend RSA 420-B by inserting after section 8-g the following new section:

420-B:8-h Notification of Allowable Benefit. All health maintenance organizations shall provide to each subscriber, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

7 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill requires all health insurers, health maintenance organizations, medical service corporations, hospital service corporations, health service corporations, and multiple employer welfare arrangements to provide to each policyholder, certificate holder or subscriber, on request, a written statement of the dollar amount of allowable benefit for any procedure which is requested by the appropriate procedure code.

HB 328, relative to payment of mortgage loan proceeds at closings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: HB 328, as amended, requires that a bank or mortgage lender, broker, or agent or its successor refund mortgage loan application fees and costs which were paid in advance when a loan application is not processed due to the financial failure of the bank, lender, broker or agent. Vote 14-0.

Amendment (1449B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the refund of mortgage loan application fees and costs when a loan application is not processed due to the financial failure of the mortgage lender.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Refund of Costs and Fees Paid in Advance. Amend RSA 479 by inserting after section 30 the following new subdivision:

Refund of Costs and Fees

479:31 Refund of Advance Payment of Fees and Costs. In the event that any person pays in advance any fees or costs in connection with the processing of an application for a loan secured by a mortgage on real property to any bank, mortgage banker, mortgage broker or any other lender or agent thereof, and the loan application is not processed due to the financial failure of any such bank, mortgage banker, mortgage broker, lender or agent, all such fees and costs shall be promptly refunded by such bank, mortgage banker, mortgage broker, lender or agent or any successor or assign thereof, together with interest on the amount of such fees and costs at a rate established pursuant to RSA 336:1 from the date such fees and costs were paid to such bank, mortgage banker, mortgage broker, lender or agent until they are refunded.

2 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill requires that a bank or mortgage lender, broker, or agent or its successor refund mortgage loan application fees and costs which were paid in advance when a loan application is not processed due to the financial failure of the bank, lender, broker or agent.

HB 358, allowing the creation of or participation in professional corporations by physician assistants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: The bill allows physician assistants to hold a proprietary interest in professional corporations. The amendment assures that the requirement for physician assistants to be supervised by a physician is not eroded. Vote 13-0.

Amendment (1596B)

Amend RSA 294-A:1, VI as inserted by section 2 of the bill by replacing it with the following:

VI. "Professional service" means any service which may lawfully be rendered only by certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors, dentists, pharmacists, professional engineers, land surveyors, registered professional nurses, optometrists, physicians and surgeons, *physician assistants, except that registered supervisory physicians shall hold a majority ownership interest in any professional association or corporation organized to provide medical care and in no circumstance shall any registered supervisory physician or alternate supervisory physician be an employee of a physician assistant*, psychologists, and veterinarians licensed, registered, certified, or otherwise authorized under the provisions of RSA 309-A, 310-A, 311, 315, 316, 317-A, 318, 326-B, 327, **328-D**, 329, 330-A or 332-B and which may not lawfully be rendered by a corporation organized under the law of this state applicable to business corporations.

HB 361, relative to credit finance charges. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: The substance of the bill was flawed. Credit cards are a type of optional credit and to further regulate credit companies will cause an additional burden to business. Vote 13-2.

HB 474, prohibiting automobile insurers from requiring coverage for an insured automobile for persons in the insured's household under age 25, if the person under age 25 does not drive the insured automobile. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: The Insurance Department opposed this bill because of ramifications in rewriting regulations to meet its demands of this bill. Vote 16-1.

HB 542, restricting the interest rate which may be charged on loans, including business and consumer credit loans. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: If this Legislature in its wisdom were to pass HB 542, it would prove to be a hardship on the consumers of New Hampshire instead of helping them as the sponsor thought it would do. Vote 17-0.

HB 544, relative to telephone solicitation. RE-REFER TO COMMITTEE

Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs: The committee has serious concern about telephone solicitation and wishes to study the subject matter and invite anyone who has concern to participate in the study with the members of the committee. Vote 16-0.

HB 550, extending time limits within which condominium projects can be completed. INEXPEDIENT TO LEGISLATE

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: HB 550 was not properly researched. The committee found the legislature took care of this problem in the 1991 session. The sponsor later requested to withdraw his bill. Vote 17-0.

HB 574, relative to the certification of insurance agents and brokers. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: Only one person aside from the sponsor spoke in favor of this bill. Representatives of all branches of the insurance industry and the Insurance Department opposed the bill. Vote 14-0.

HB 602-FN, extending the length of time before a savings deposit may escheat to the state. OUGHT TO PASS WITH AMENDMENT

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The amendment to this bill establishes a subsequent claim procedure for owners who come forward to claim assets which have escheated to the state after January 1, 1985. The owners may petition the Governor and Council for payment of the assets. The state treasurer testified in support of the bill. There was no testimony in opposition. Vote 16-0.

Amendment (1470B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to claiming assets which have escheated to the state.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Subsequent Claims. Amend RSA 471-C by inserting after section 31 the following new section:

471-C:31-a Subsequent Claims. For periods after January 1, 1985, any owner who comes forward to make a claim for assets which have escheated to the state, may petition the governor and council for payment of those assets. Upon providing sufficient proof of the validity of his claim and receiving the approval of governor and council, the administrator shall pay such claim to the owner in accordance with the provisions of this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows owners of assets which have escheated to the state to petition the governor and council for payment of such assets.

HB 393, relative to duties of supervisors of a checklist. OUGHT TO PASS

Rep. C. Donald Stritch for Constitutional and Statutory Revision: Supervisors will prepare, post, and correct checklists in a village district upon petition of 10 voters. Vote 18-0.

HB 420, relative to the instructions to voters on ballots. INEXPEDIENT TO LEGISLATE

Rep. C. Donald Stritch for Constitutional and Statutory Revision: The Committee feels that the provisions of this house bill should be combined in HB 449 and considered by the House as such. Vote 13-0.

HB 600 FN-L, relative to the filing requirements for candidates who seek nomination by nomination papers. OUGHT TO PASS WITH AMENDMENT

Rep. C. Donald Stritch for Constitutional and Statutory Revision: This bill prohibits cities and towns from licensing candidates in the process of running for public office. Further, this bill requires supervisors of the checklist to certify nomination papers in a timely fashion. Vote 14-0.

Amendment (1498B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to candidates who seek nomination by nomination papers.

Amend the bill by deleting sections 2, 3, and 5 and renumbering sections 4 and 6 to read as 2 and 3, respectively.

AMENDED ANALYSIS

This bill prohibits cities and towns from licensing candidates who seek to have their name placed on the ballot for the state general election by submitting nomination papers. The bill also requires supervisors of the checklist to certify the nomination papers which are submitted to them in a timely fashion.

HB 215-FN, relative to extradition. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill addresses extradition of persons out on parole, probation, or conditional release. The bill allows extradition to take place without a governor's warrant when the accused had previously signed a waiver. It further allows bail to be denied in limited circumstances for those same people. The amendment provides that they not be held indefinitely. Vote 16-0.

Amendment (1590B)

Amend RSA 612:5-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Such person is alleged to have broken the terms of his probation, parole, bail or any other release of the demanding state; and

Amend RSA 612:10 as inserted by section 2 of the bill by replacing it with the following:

612:10 Rights of Accused Person; Application for Writ of Habeas Corpus. No person arrested upon a warrant issued pursuant to RSA 612:7 shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the

demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel[; and]. If the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the agent of the demanding state. *Pending the outcome of such hearing, the accused shall be held in custody without bail, and, following such hearing, if the court denies the application for writ of habeas corpus, he shall continue to be so held until delivery to the agent of the demanding state. If after a reasonable time the agents of the demanding state have not taken custody of the accused, the accused shall be allowed to apply to the superior court for review of his custody status.*

Amend RSA 612:26 as inserted by section 3 of the bill by replacing it with the following:

612:26 Written Waiver of Extradition Proceedings. Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement or broken the terms of his bail, probation, or parole may waive the issuance and service of the warrant provided for in RSA 612:7 and 8 and all other procedure incidental to extradition proceedings by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person, it shall be the duty of such judge to inform such person of his right to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in RSA 612:10. *Following the execution of a waiver of extradition by such person, he shall be placed in custody without bail to await delivery to the agent of the demanding state. If after a reasonable time the agents of the demanding state have not taken custody of the accused, the accused shall be allowed to apply to the superior court for review of his custody status.* If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the right of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this state.

AMENDED ANALYSIS

This bill requires law enforcement agencies to extradite certain persons, without the governor's warrant, to a demanding state if such person is alleged to have broken the terms of his probation, parole, bail or any other release in the demanding state and has previously signed a waiver as a condition to such release.

This bill requires that pending the outcome of an application for writ of habeas corpus during an extradition proceeding the accused shall be held in custody without bail. If the court denies the application for writ of habeas corpus and the demanding state does not take custody of the accused, the accused may apply to the superior court for review of his custody status.

This bill also requires that following an execution of a waiver of extradition the accused shall be placed in custody without bail.

This bill is a request of the department of justice.

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: This bill increases to class B felony any second or subsequent offense under the more serious form of indecent exposure and lewdness. The amendment also adds felony conviction under this section to the definition of "sexual offender" for purposes of required registration. Vote 17-0.

Amendment (1543B)

Amend the bill by inserting after section 1 the following and renumbering section 2 to read as 4:

2 Definition of "Sexual Offender;" Reference Added. Amend RSA 632-A:11, III(a) to read as follows:

(a) RSA 632-A:2, RSA 632-A:3 [or], RSA 632-A:4, *or RSA 645:1, II*; or

3 Registration of Sex Offenders; Reference Added. Amend RSA 632-A:16, II to read as follows:

II. Any sexual offender convicted of a violation of RSA 632-A:4 *or RSA 645:1, II*, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release following conviction, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent conviction.

AMENDED ANALYSIS

This bill increases the penalty for subsequent offenses of indecent exposure, when either the first or the subsequent offense was in the presence of a child under 16 years of age.

Persons convicted of such subsequent offense shall be defined and registered for 10 years as sexual offenders.

HB 365, prohibiting a person convicted of a felony, sentenced to prison and appealing such sentence, from release on bail. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: Current law provides stringent laws relative to convicted felons in regard to bail on appeal. Any potential problems that could exist within those provisions would be worse with an absolute prohibition of bail. Vote 19-0.

HB 454-FN, removing the requirement that courts approve temporary transfers of county prisoners. OUGHT TO PASS WITH AMENDMENT

Rep. Lowell D. Apple for Corrections and Criminal Justice: This bill changes the law to reflect the current practice of transferring inmates from one county to another by agreement of the superintendents involved. Any judge who would like to be notified of such transfer could still make such notice part of the sentencing order. The amendment makes a technical correction and makes the bill effective on passage. Vote 15-0.

Amendment (1332B)

Amend the bill by replacing all after the enacting clause with the following:

1 Temporary Transfers of County Prisoners; Court Approval Requirement Deleted. Amend RSA 30-B:21 to read as follows:

30-B:21 Temporary Removal or Transfer. Any person confined in a county department of corrections facility may be transferred *by the superintendent of the transferring county department of corrections* to any other county department of corrections facility or to the county department of corrections in another county when such transfer is in the public interest[. The transfer proceeding shall be by petition of the superintendent of the transferring county department of corrections to the original sentencing court,] *and* subject to the approval of the county commissioners of the county to which the transfer is planned[, or by petition to the original sentencing court] for the purpose of facilitating work release or for other good cause shown. [Said court may, after hearing and for good cause shown, order such transfer under such terms and conditions as appear necessary.] The expense of transfer and maintenance shall be paid by the *transferring* county [petitioning for the transfer], unless waived by the receiving county department of corrections in accordance with a reciprocal or other arrangement between the counties involved. The superintendent of the transferring county department of corrections shall have custody over the prisoner during the transfer by a regular or specially authorized officer of that county. Upon admittance to the receiving facility, the prisoner shall be under the custody of the superintendent of the receiving county department of corrections.

2 Effective Date. This act shall take effect upon its passage.

HB 537, requiring certain persons convicted of sexual offenses as a condition of parole to register as sex offenders. OUGHT TO PASS WITH AMENDMENT

Rep. William V. Knowles for Corrections and Criminal Justice: This bill as amended includes sexual offenders not covered by the current law relative to registration of sexual offenders. Vote 16-1.

Amendment (1532B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to registration of sexual offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 Applicability of Subdivision; Registration of Sexual Offenders. Notwithstanding 1992, 213:2, RSA 632-A:11 - RSA 632-A:19, requiring registration of sexual offenders, shall apply to any sexual offender, irrespective of the date of conviction of the offense, who:

I. Is released into the community as provided in RSA 632-A:13 on or after the effective date of this act; or

II. Has been released but has not completed his sentence before the effective date of this act; or

III. Has completed his sentence before the effective date of this act.

2 Severability. If any provision of this act or application thereof to a person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this section which can be given effect without the invalid provisions or applications, and to this end the provisions are severable.

3 Effective Date.

I. Paragraph III of section 1 of this act shall take effect January 1, 1994.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires certain persons convicted of a sexual offense prior to January 1, 1993, to register as sexual offenders.

HB 584-FN-L, increasing the misdemeanor and felony penalty assessment and transferring such increase to municipalities. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: The committee followed the direction of the sponsor who requested the bill be withdrawn. Vote 19-0.

HB 623, establishing a permanent committee to supervise and coordinate the various aspects of the corrections system. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill spurred renewed activity relative to the Citizens Advisory Committee of the Department of Corrections. The Commissioner of Corrections has informed our committee of his commitment to include more legislative members. With that renewed committee and the new legislative Corrections and Criminal Justice Committee we are convinced that the necessary oversight will be achieved. Vote 17-0.

HB 308, establishing a committee to study the viability of SAUs, and whether a school district should vote on whether to belong to an SAU. **RE-REFER TO COMMITTEE**

Rep. Stanley N. Searles, Sr. for Education: This bill was introduced by the sponsor to await an SAU report being brought forth by an SAU study committee that was appointed by the State Board of Education. On February 10 the State Board voted to send the report of this study committee to the House and Senate Education Committees without comment. Our Committee would like time to consider this report and compare it with others and to be able to bring forth action relative to the SAU structure and to allow for a public hearing. Vote 16-0.

HB 657-FN-L, repealing the home education laws allowing the state board to adopt rules relative to home education, and making certain other changes relative to education. **INEXPEDIENT TO LEGISLATE**

Rep. Suzan L. R. Franks for Education: The present operating statutes for home schooling as developed in conjunction with the Home Schooling Advisory Council have proven to be very effective for the vast majority of home schoolers. This bill and the amendment proposed at the hearing to create yet another classification of home schooling as private educators was not in the best interest of the majority and the current statute. Vote 15-0.

HB 494, establishing a joint committee on recodification of solid waste laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Amanda A. Merrill for Environment and Agriculture: The recommended amendment changes the committee's reporting deadline from November 1993 to November 1994 in order to allow sufficient time for this project. Vote 17-0.

Amendment (1421B)

Amend the introductory paragraph and paragraph I of section 1 of the bill by replacing it with the following:

1 Solid Waste Laws Recodification Committee. There is hereby established a joint legislative committee for recodifying the solid waste laws of the state. The committee shall consist of 4 members of the house of representatives, appointed by the speaker, and 3 members of the senate, appointed by the senate president. The committee shall review the state's existing laws relative to solid waste management and make recommendations to the general court which shall be consistent with the provisions of this act. The committee shall submit its findings to the speaker and the senate president on or before November 1, 1994. The committee's legislative recommendations shall:

I. Incorporate into a single act entitled "An act relative to solid waste management" that part of the existing law which is relevant to solid waste management.

Amend paragraph V of section 1 of the bill by replacing it with the following:

V. Legislation prepared under this section shall be introduced as a bill no later than the 1995 regular session of the general court.

HBI 5, relating to the reduction, elimination and substitution of toxic substances. **OUGHT TO PASS**

Rep. Jeb E. Bradley for Environment and Agriculture: This bill of intent directs the House Environment and Agriculture Committee to consider methods by which toxic substances may be eliminated or reduced. The Committee looks forward to working with the sponsor and any other concerned individuals toward this pursuit. Vote 17-0.

HCR 8, encouraging Congress to increase the reimbursement rate to municipalities for government-owned land which could be in current use if privately owned. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Scanlan for Environment and Agriculture: This concurrent resolution asks the United States Congress to increase the amount of payments in lieu of taxes to those towns and counties that have national forest land within their boundaries. Vote 17-0.

Amendment (1401B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

encouraging Congress to increase the reimbursement rate to municipalities for government-owned land.

Amend the resolution by replacing all after the title with the following:

Whereas, municipalities and counties in New Hampshire depend, in large measure, on local property taxes for their revenue; and

Whereas, the proportion of federally-owned lands in some municipalities and counties creates an unfair tax burden when compared to the taxes paid on land under private ownership, and

Whereas, the present federal reimbursement rate to municipalities for entitlement land is not sufficient; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That Congress is encouraged to increase the federal reimbursement rate to municipalities and counties for government-owned land by amending the provisions of 31 U.S.C. 6902; and

That the clerk of the house of representatives shall transmit copies of this resolution to the United States Speaker of the House, the President of the United States Senate, and the members of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This house concurrent resolution encourages Congress to increase the reimbursement rate to municipalities for government-owned land which is not subject to local property taxes.

HB 640-FN, transferring the supreme court's powers and duties over the state law library to the state librarian and promoting public access to the state law library. INEXPEDIENT TO LEGISLATE

Rep. Cynthia A. McGovern for Executive Departments and Administration: This bill is premature. Many of the issues addressed by this legislation are being dealt with by a Law Library Advisory Committee. Further, there already exists a statutory obligation to provide law library services to the public. Vote 10-0.

HB 644-FN, establishing an office of administrative appeals. INEXPEDIENT TO LEGISLATE

Rep. Gerald O. Gosselin for Executive Departments and Administration: The committee thought this bill would create a number of positions as hearings officers, to be hired as required. The fiscal note shows \$200,000 in additional expense. It could very well be much higher. Vote 10-0.

HB 396, establishing a committee to study mechanisms of funding and providing long-term care for the elderly. OUGHT TO PASS WITH AMENDMENT

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: With New Hampshire's population well above one million, a growing number of citizens will need long-term nursing care services. Hopefully this committee will be assembled from previous committees who have already evaluated the age, health and income of New Hampshire's population and can produce solutions for needed services and funding. Vote 18-0.

Amendment (1458B)

Amend section 2 of the bill by inserting after paragraph XIII the following new paragraph:

XIV. A representative of the New Hampshire Association of Residential Care Facilities, appointed by such association.

HB 463-FN-LOCAL, allowing municipalities reimbursement from the state for aid paid to persons in need due to a delay in aid at the state level. INEXPEDIENT TO LEGISLATE

Rep. Alphonse A. Haettenschwiller for Health, Human Services and Elderly Affairs: The committee was requested by the sponsor to recommend this legislation inexpedient to legislate because it duplicates legislation in HB 453-FN. Vote 14-0.

HB 589-FN, requiring licensure of additional medical utilization review entities. OUGHT TO PASS WITH AMENDMENT

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: HB 589 requires instate entities performing medical utilization review services to register with the Insurance Department. Such registrants then are treated as licensees under RSA 420-F. This bill mandates adherence to the national utilization review standards of the Utilization Review Accreditation Commission as the minimal acceptable standards unless rules establishing stricter standards are adopted by the Insurance Commissioner. It also says that an appeal shall be made to a reviewer with the same or similar specialty as the patient's health care provider. Vote 15-0.

Amendment (1519B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring certain entities performing medical
utilization review services to register
with the insurance department.

Amend the bill by replacing all after the enacting clause with the following:

1 Registration Required. Amend RSA 420-E:2 to read as follows:
420-E:2 Licensure *or Registration* Required.

I. Any person, partnership or corporation, other than an insurer, nonprofit service organization, health maintenance organization, preferred provider organization or an employee of those exempt organizations that performs medical utilization review services on behalf of commercial insurers, nonprofit service organizations, third-party administrators or employers, shall apply for a license to be issued by the department and shall pay an application fee and an annual license fee. No person, partnership or corporation, other than an insured, nonprofit service organization, health maintenance organization or the employees of exempt organizations shall perform utilization review services or medical utilization review services unless the person, partnership or corporation has received a license in accordance with this chapter.

II. Any person, partnership or corporation which performs utilization review service, but which is exempt from licensure under paragraph I, shall register with the department. Upon registration, such person, partnership or corporation shall be considered a licensee for all the purposes of this chapter, but shall not be required to file an application for licensure or pay any licensure fees under this chapter.

2 Registration Added. Amend RSA 420-E:3, II to read as follows:

II. The Utilization Review Accreditation Commission standards shall be the minimal acceptable [standard] standards for licensure unless rules establishing stricter standards are adopted pursuant to the commissioner's authority under RSA 420-E:7, XII.

3 New Paragraphs; Same Training Required. Amend RSA 420-E:4 by inserting after paragraph IV the following new paragraphs:

V. The initial utilization review determinations shall be made by a licensed or certified health care provider.

VI. Upon reconsideration, as required under paragraph II of this section, utilization review determinations shall be made by persons of the same or similar specialty as the patient's health care provider.

4 Rulemaking Added. Amend RSA 420-E:7, VIII to read as follows:

VIII. Confidentiality of records and access to records of the provider and reviewer, as required under RSA 420-E:4.

IX. The scope of the review and the information which the reviewer is entitled to review and have access to from the provider.

X. Qualification of the reviewer, as required under RSA 420-E:4, V.

XI. Procedures for registration.

XII. Any other matter necessary for the administration of this chapter.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires any entity which performs medical utilization review services, but which is exempt from licensure under RSA 420-E, to register with the insurance department. Such registrants are then treated as licensees for the purposes of RSA 420-E.

The bill requires that while initial reviews may be made by licensed or certified healthcare providers, any reconsideration shall be made by a reviewer who has the same or similar specialty as the patient's health care provider.

Referred to Appropriations.

HB 595-FN, allowing HIV testing for AIDS of a perpetrator of certain crimes at the request of the victim. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael Morello for Health, Human Services and Elderly Affairs: The committee felt that this bill with an amendment offers protection to the victim and assists the person convicted to deal with his problem. The bill allows testing for acquired immune deficiency syndrome of a perpetrator of certain sexual assault crimes at the request of the victim. It offers counseling assistance to the victim and perpetrator. The Fiscal Note calls for state expenditures of an undeterminable amount as determined by the Department of Justice and the Division of Public Health Services. There will be no impact on state, county and local revenues or on county and local expenditures. Vote 13-0.

Amendment (1507B)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; HIV Testing. Amend RSA 632-A by inserting after section 10-a the following new section:

632-A:10-b HIV Testing.

I. The state shall, at the request of a victim of any offense under this chapter, except violations of RSA 632-A:10 or RSA 632-A:19, administer to any person convicted for such offense, a test to detect in such person the presence of the etiologic agent for acquired immune deficiency syndrome.

II. Notwithstanding RSA 141-F:7 and RSA 141-F:8, the state shall disclose results of a test administered pursuant to paragraph I and RSA 141-F:5, IV, to any person convicted and the victim.

III. The state shall provide counseling to the victim and the person convicted for such an offense regarding HIV disease, HIV testing for the victim in accordance with applicable law and referral for appropriate health care and support services.

IV. For purposes of this section:

(a) "HIV" means "human immune deficiency virus" as defined in RSA 141-F:2, V.

(b) "Person convicted" includes persons adjudicated under juvenile proceedings.

(c) "Victim" means "victim" as defined in RSA 21-M:8-b, I(a).

2 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill allows HIV testing for acquired immune deficiency syndrome of a perpetrator of certain sexual assault crimes at the request of the victim.

This bill also provides counseling to the victim and perpetrator regarding HIV disease and HIV testing for the victim.

Referred to Appropriations.

HB 206, permitting the supreme court to establish witness fees and a reasonable allowance for travel-related expenses for certain witnesses in criminal cases. **INEXPEDIENT TO LEGISLATE** Rep. Rick G. Newman for Judiciary: The sponsor requested this bill be withdrawn. Vote 14-0.

HB 345, establishing procedures for expediting resolution of medical injury claims. **INEXPEDIENT TO LEGISLATE**

Rep. Tyler P. Harwell for Judiciary: The author of this bill requested that it be withdrawn. The committee was further of the opinion that it is up to the courts to adopt rules of procedure in cases before them and not the General Court. Vote 14-0.

HB 545, authorizing the state to enforce domestic violence protective orders issued in other states. **RE-REFER TO COMMITTEE**

Rep. Robert A. Lockwood for Judiciary: The committee received a substantial number of amendments for consideration at a late hour, and voted to re-refer so the amendments could be considered. Consensus was that the committee would not be able to address the issues adequately prior to the House rules deadline. Vote 16-1.

HB 560, changing procedures regarding appointment of guardians of minors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tyler P. Harwell for Judiciary: Current law unduly limits the class of persons eligible to be guardians. The bill corrects this deficiency with a few modest amendments. Vote 14-0.

Amendment (1497B)

Amend RSA 463:6 as inserted by section 3 of the bill by replacing it with the following:

463:6 Petition by Individuals. Upon the petition of a parent whose parental rights have not otherwise been terminated, an adult sibling, a grandparent, a prospective adoptive parent, an aunt or uncle, or any person who has had physical custody of the child for not less than 30 consecutive days with the written or implied consent of the parent, the probate court in the county in which any minor is residing may, after reasonable notice to the parents, appoint a guardian of the person or of the estate of a minor, or of both. Such petition shall set forth that the parents of the minor, or other person having custody, are unfit or unable to have the custody and control of the minor and of the minor's estate and earnings, or that circumstances are such that the interest of the minor requires that a guardian be appointed.

HB 562, relative to meetings regarding security issues in correctional facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Tyler P. Harwell for Judiciary: This bill enables correctional facility personnel to discuss sensitive security issues without fear of being compelled to disclose records that would place inmates or personnel at risk through the Right to Know Law. Vote 12-0.

Amendment (1605B)

Amend RSA 91-A:3, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county correctional facilities by county correctional superintendents or their designees.

AMENDED ANALYSIS

This bill allows county correctional superintendents to conduct a nonpublic session if security-related issues bearing on the immediate safety of security personnel or inmates are to be discussed.

HB 563, relative to the authority of creditors to file writs of execution against personal property. INEXPEDIENT TO LEGISLATE

Rep. Tyler P. Harwell for Judiciary: The committee was of the opinion that this bill would upset the law of remedies in New Hampshire, and unduly restrict the rights of judgment holders. Vote 17-0.

HB 654, clarifying the laws relative to temporary guardianship. INEXPEDIENT TO LEGISLATE

Rep. Tyler P. Harwell for Judiciary: This bill would do more than "clarify" laws regarding temporary guardianships. It would add a new "expedited" emergency procedure for the appointment of a guardian, and confer powers not usually given to guardians. The committee was of the opinion that this new procedure was not needed, and had grave concerns as to how it would work. Vote 14-0.

HB 668-FN, changing the laws relative to nonemergency involuntary admissions. INEXPEDIENT TO LEGISLATE

Rep. Rick G. Newman for Judiciary: There was wide testimony in opposition to this bill, including testimony from the probate court. If passed the fiscal impact could be great to the state. Vote 13-1.

HB 204-FN-L, relative to blood testing and counseling when wounds are received by employees at their places of employment. INEXPEDIENT TO LEGISLATE

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: The Committee agreed unanimously that the bill was not needed because the subject is covered by current statutes, RSA 281:A-2 Section XI defines "Injury" or "Personal Injury" arising out of and in the course of employment or any occupational disease or resulting death arising out of and in the course of employment. Section XIII defines "Occupational Disease" as an injury arising out of and in the course of the employee's employment and due to causes and conditions characteristic of and peculiar to the particular trade, occupation or employment. Vote 17-0.

HB 376, allowing nonprofit corporations to elect to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund on an annual basis. OUGHT TO PASS WITH AMENDMENT

Rep. Claudette R. Jean for Labor, Industrial and Rehabilitative Services: This bill, with its amendment, clarifies the rights and responsibilities of non-profit corporations and municipalities to elect to reimburse unemployment compensation benefits or to contribute to the unemployment compensation fund. Vote 17-0.

Amendment (1442B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the election by nonprofit corporations and municipalities to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Election to Reimburse or Contribute; Nonprofit Corporations. Amend RSA 282-A:69, II to read as follows:

II. Notwithstanding this section, any organization or group of organizations, described in section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code, which becomes an employer under this act, may elect to *change its status* either to reimburse in the manner provided for the state in RSA 282-A:70 or to pay contributions as hereinabove provided[; but such]. The [election] *change in status* shall be irrevocable for 3 calendar years. *Thereafter the employer may elect to change its status no later than January 1, for any year, but such new change in status shall be irrevocable for 3 calendar years.* Any 2 or more of such employers or any 2 or more cities, towns, counties or other political subdivisions of this state may elect, for a period of not less than 3 years, to pool their separate accounts under such rules as may be adopted by the commissioner, including appropriate bonding and fiscal safeguard requirements, and each unit shall be jointly and severally liable for payments due.

2 Election to Reimburse or Contribute; Municipalities. Amend RSA 282-A:71, II to read as follows:

II. In lieu of paragraph I, such county, city, town or other political subdivision may elect to *change its status* to pay contributions as provided for other employers. Such [election] *change in status* shall be for not less than 3 years and shall be made by August 21, 1979, or before January 1 of the applicable year. *Thereafter, political subdivision may elect to change its status no later than January 1, for any year, but such new change in status shall be irrevocable for 3 calendar years.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows nonprofit corporations and municipalities to elect to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund. The change in status shall be irrevocable for 3 calendar years.

HB 418, relative to costs of prevailing employees under the workers' compensation law. OUGHT TO PASS

Rep. Carl Johnson for Labor, Industrial and Rehabilitative Services: This is a housekeeping bill. The words "and costs" have been added to reasonable counsel fees. The word "board" has been added to "as approved by the board or court." Vote 10-0

HB 669, transferring the right to appeal in certain cases from a decision of the labor commissioner on workers' compensation from the superior court to the compensation appeals board. OUGHT TO PASS WITH AMENDMENT

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: Current law requires a person dissatisfied with a workers' compensation decision to appeal to the Superior Court. This bill would alleviate some of the Superior Court burden by having the person appeal to the Compensation Appeals Board. Vote 10-0.

Amendment (1575B)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3.

2 Transferring Appeal to Different Forum. Amend RSA 281-A:48, V to read as follows:

V. Any party at interest who is dissatisfied with the decision of the commissioner under this section may appeal to the [superior court] *compensation appeals board, established under RSA 281-A:42-a*, in the same manner as provided in RSA 281-A:43.

AMENDED ANALYSIS

This bill allows a person aggrieved by certain decisions of the labor commissioner on a workers' compensation case, who was justifiably prevented from appealing the decision within the

time period allowed for appeal, to appeal to the compensation appeals board. Current law requires such person to appeal to the superior court.

The bill also allows a person to appeal an award or denial for compensation to the compensation appeals board. Current law requires such person to appeal to the superior court.

HB 177-FN-L, establishing procedures for the removal of town clerks, tax collectors, and treasurers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: This bill now provides a flow chart of the procedure for the removal of town clerks, tax collectors and treasurers. It offers a method by which proceedings shall be carried out when considering such removal. Vote 18-0.

Amendment (1387B)

Amend the bill by replacing sections 2-4 with the following:

2 Removal of Town Clerk. RSA 41:16-c is repealed and reenacted to read as follows:

41:16-c Removal of Town Clerk. The governing body may institute proceedings to remove a town clerk from office whenever, upon examination by the department of revenue administration, a certified public accountant, or a public accountant licensed by the state under RSA 301, the accounts are found to contain an irregularity or material error, or show evidence that the timely deposit of funds has not been made in accordance with RSA 261:165. For the purposes of this section, "irregularity" means an intentional misstatement of the financial statements or a theft of assets, and "material error" means an unintentional mistake or omission which results in a material misstatement of the financial statements. The governing body may institute proceedings to remove the town clerk as follows:

I. The governing body shall notify the town clerk and the commissioner of the department of revenue administration of its intention to proceed under this section by providing a written explanation and justification for the removal, along with a copy of the audit findings.

II. Within 20 days of receiving the notification provided in paragraph I, the town clerk shall respond to the alleged irregularities, material error, or failure to timely deposit funds. The response shall be submitted to the governing body and the commissioner of the department of revenue administration and shall include written comment on each audit finding.

III. Within 20 days of receiving the town clerk's written response, the governing body shall provide written notification to the town clerk and commissioner of the department of revenue administration of its decision to proceed or not to proceed to remove the town clerk from office.

IV. Within 10 days of receiving the written notification in paragraph III, the town clerk may request a hearing before the governing body. If a hearing before the governing body is requested, it shall be:

(a) Conducted in accordance with RSA 91-A and RSA 43; and

(b) Held within 20 days of the date of the request.

V. After the town clerk's response and hearing, if any, and if the governing body determines that removal of the town clerk is justified, the governing body may remove the town clerk by written notice to the town clerk and the commissioner of revenue administration. Any vacancy created by such a removal shall be filled by appointment by the governing body as provided in RSA 669:65.

VI. The governing body's determination under paragraph V may be appealed to the superior court in the county in which the municipality is located.

3 Removal of Treasurer. RSA 41:26-d is repealed and reenacted to read as follows:

41:26-d Removal of Treasurer. The governing body may institute proceedings to remove the treasurer from office whenever, upon examination by the department of revenue administration, a certified public accountant, or a public accountant licensed by the state under RSA 301, the accounts are found to contain an irregularity or material error, or show evidence that the timely deposit of funds has not been made. For the purposes of this section, "irregularity" means an intentional misstatement of the financial statements or a theft of assets, and "material error" means an unintentional mistake or omission which results in a material misstatement of the financial statements. The governing body may institute proceedings to remove the treasurer as follows:

I. The governing body shall notify the treasurer and the commissioner of the department of revenue administration of its intention to proceed under this section by providing a written explanation and justification for the removal, along with a copy of the audit findings.

II. Within 20 days of receiving the notification provided in paragraph I, the treasurer shall respond to the alleged irregularities, material error, or failure to timely deposit funds. The response shall be submitted to the governing body and the commissioner of the department of revenue administration and shall include written comment on each audit finding.

III. Within 20 days of receiving the treasurer's written response, the governing body shall provide written notification to the treasurer and commissioner of the department of revenue administration of its decision to proceed or not to proceed to remove the treasurer from office.

IV. Within 10 days of receiving the written notification in paragraph III, the treasurer may request a hearing before the governing body. If a hearing before the governing body is requested, it shall be:

- (a) Conducted in accordance with RSA 91-A and RSA 43; and
- (b) Held within 20 days of the date of the request.

V. After the treasurer's response and hearing, if any, and if the governing body determines that removal of the treasurer is justified, the governing body may remove the treasurer by written notice to the treasurer and the commissioner of revenue administration. Any vacancy created by such a removal shall be filled by appointment by the governing body as provided in RSA 669:69.

VI. The governing body's determination under paragraph V may be appealed to the superior court in the county in which the municipality is located.

4 Removal of Tax Collector. RSA 41:40 is repealed and reenacted to read as follows:

41:40 Removal of Tax Collector. The governing body may institute proceedings to remove the tax collector from office whenever, upon examination by the department of revenue administration, a certified public accountant, or a public accountant licensed by the state under RSA 301, the accounts are found to contain an irregularity or material error, or show evidence that the timely deposit of funds has not been made in accordance with RSA 41:35. For the purposes of this section, "irregularity" means an intentional misstatement of the financial statements or a theft of assets, and "material error" means an unintentional mistake or omission which results in a material misstatement of the financial statements. The governing body may institute proceedings to remove the tax collector as follows:

I. The governing body shall notify the tax collector and the commissioner of the department of revenue administration of its intention to proceed under this section by providing a written explanation and justification for the removal, along with a copy of the audit findings.

II. Within 20 days of receiving the notification provided in paragraph I, the tax collector shall respond to the alleged irregularities, material error, or failure to timely deposit funds. The response shall be submitted to the governing body and the commissioner of the department of revenue administration and shall include written comment on each audit finding.

III. Within 20 days of receiving the tax collector's written response, the governing body shall provide written notification to the tax collector and commissioner of the department of revenue administration of its decision to proceed or not to proceed to remove the tax collector from office.

IV. Within 10 days of receiving the written notification in paragraph III, the tax collector may request a hearing before the governing body. If a hearing before the governing body is requested, it shall be:

- (a) Conducted in accordance with RSA 91-A and RSA 43; and
- (b) Held within 20 days of the date of the request.

V. After the tax collector's response and hearing, if any, and if the governing body determines that removal of the tax collector is justified, the governing body may remove the tax collector by written notice to the tax collector and the commissioner of revenue administration. Any vacancy created by such a removal shall be filled by appointment by the governing body as provided in RSA 669:67.

VI. The governing body's determination under paragraph V may be appealed to the superior court in the county in which the municipality is located.

AMENDED ANALYSIS

This bill standardizes the procedure for the removal of town clerks, tax collectors, and treasurers by the governing body. The bill affords the alleged offender an opportunity to answer the charges, request a hearing before the governing body, and appeal the decision to the superior court.

This bill is a request of the department of revenue administration.

HB 280, relative to zoning requirements for family day care homes. **OUGHT TO PASS**

Reps. Karen O. Wadsworth and David M. Perry for Municipal and County Government: This type of care, for a small number of children, is a widespread method of providing day care which is utilized by a large number of families. The low impact of this type of care does not justify the procedural hoops imposed by many communities. Safety and health issues still will be subject to review by local officials and state licensing requirements. Vote 16-1.

HB 299-L, to allow a person to serve only on the conservation commission, the planning board, or the zoning board of adjustment at the same time. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: The Committee believes that membership on town boards is best left to the discretion of individual municipalities. Statute exists that allows towns to limit multiple membership if they wish to do so. Vote 18-1.

HB 301-L, authorizing towns to vote to appropriate funds to be used to pay the closing costs of town solid waste facilities over a period of time specified in a contract. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Municipal and County Government: Under existing statutes, communities can establish capital funds dedicated to closure of solid waste sites. HB 301 provides a specific program for anticipating closure. However, that program as written could lead to delays in needed closures and unreasonably high costs to the community. Vote 19-0.

HB 302, establishing a time limit on handicapped parking spaces. **INEXPEDIENT TO LEGISLATE**

Rep. Tommy J. St. Martin for Municipal and County Government: Wording of RSA 265:74 appears to already empower cities and towns to regulate handicapped parking. This bill does not address posting notice of regulated times. Another bill currently in the Senate addresses similar subject matter. The Committee feels any necessary changes to RSA 265:74 could be addressed through that bill. Vote 18-0.

HB 307, permitting municipalities to contract with their road agents without competitive bidding. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia L. Cote for Municipal and County Government: Many road agents own their own equipment and materials. Using these on town roads is a technical violation of RSA 95:1. The bill allows a town to exempt its road agent from the competitive bidding requirement if it chooses to do so. Vote 18-0.

Amendment (1416B)

Amend RSA 95:1-b as inserted by section 1 of the bill by replacing it with the following:

95:1-b Highway Agents; Exemption. The competitive bidding requirements established in RSA 95:1 shall apply to dealings between municipalities and their elected or appointed highway agents, with respect to any municipal use of equipment, personnel, goods or materials owned or managed by such highway agents in their private capacity. The municipality, however, by vote of its governing body, may exempt goods and services provided by a highway agent from the competitive bidding requirements.

HB 332, authorizing municipalities to create revolving funds to support public recreation parks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda T. Foster for Municipal and County Government: This enabling legislation gives municipalities the opportunity to be more flexible and creative in addressing their recreational needs and services. Vote 18-0.

Amendment (1434B)

Amend RSA 35-B:2, II as inserted by section 1 of the bill by replacing it with the following:

II. By fees and charges for recreation park services and facilities. All revenue from such fees and charges may be deposited into a special fund established for such purposes pursuant to RSA 31:95-c, or into a recreation revolving fund established by vote of the legislative body. If such a recreation revolving fund is created, the money in the fund shall be allowed to

accumulate from year to year, and shall not be considered part of the political subdivision's general surplus. The treasurer shall have custody of all moneys in such fund, and shall pay out the same only upon order of the recreation or park commission, or other board or body designated by the local legislative body at the time the fund is created. Such funds may be expended only for the purposes of this chapter, and no expenditure shall be made in such a way as to require the expenditure of, or create a liability upon, other town funds which have not been appropriated to that purpose.

Amend the bill by replacing all after section 1 with the following:

2 Duty of Treasurer to Pay Out Funds. Amend RSA 41:29, I to read as follows:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, or in the case of a heritage commission fund established pursuant to RSA 674:44-a upon the order of the heritage commission, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent, *or in the case of a recreation revolving fund established pursuant to RSA 35-B:2, upon the order of the recreation or park commission, or other board or body designated by the town to expend such a fund*

3 Effective Date. This act shall take effect 60 days after its passage.

HB 334, establishing a committee to study and evaluate the manner in which the scope of responsibility and relationship of the department of revenue administration to municipalities can be enhanced. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Municipal and County Government: The Committee recognizes the merit of studying ways which could lead to enhancement of Department of Revenue Services services to municipalities. Such studies should be more sharply focused than that proposed by HB 334. The Committee is considering an in-house study of specific aspects of these relationships and services. Vote 19-0.

HB 349, requiring that selectmen or assessing officials be allowed access to property as a prerequisite to appeal of any matter pertaining to a property tax. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Trelfa for Municipal and County Government: Gaining access to property for assessment purposes can at times be difficult. HB 349 provides that overt refusal of access can result in loss of appeal rights at the local level for the owner. Vote 16-0.

Amendment (1307B)

Amend RSA 74:17 as inserted by section 1 of the bill by replacing it with the following:

74:17 Inspection of Property.

I. If the selectmen or assessing officials are unable to obtain consent to enter property for the purpose of obtaining information necessary to complete any inventory under this chapter or appraisal under RSA 75, they may obtain an administrative inspection warrant under RSA 595-B.

II. Any person who refuses to grant consent to the selectmen or assessing officials to enter property for the purposes in paragraph I shall lose the right to appeal any matter pertaining to the property tax for which such person is liable and the right to appeal any exemptions for which such person may be entitled but has not yet received.

HB 351, relative to the positions of town clerk, town treasurer, and tax collector and the terms for such positions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: This is an enabling bill with an amendment which clarifies the procedure concerning adopting or rescinding three-year terms for the position of tax collector, town clerk, and town treasurer. The amendment provides that for each one of the positions established, at any subsequent annual meeting under an article in the warrant, the voters may vote to determine if they are in favor of continuing to have a three-year term for the positions or changing the position to a one-year term. Vote 11-0.

Amendment (1478B)

Amend RSA 41:2-b, II as inserted by section 1 of the bill by replacing it with following:

II. After a 3-year term for tax collector has been established, at any *subsequent* annual town meeting [held the year before the end of the 3-year term], under an article in the warrant [placed there by petition], the voters may vote to determine if they are in favor of continuing to have a 3-year term for the tax collector. ***The governing body shall determine whether the vote shall be by official ballot or by special ballot.*** If the town has adopted an official ballot ***and the governing body decides such vote will be by official ballot,*** the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the tax collector from 3 years to one year, beginning [with the term of a tax collector who shall be elected at next year's regular town meeting] ***at the end of the 3-year term of the tax collector elected this year (last year or 2 years ago)?***" Said question shall be printed in the form prescribed by RSA [59:12-a] 656:13. If the town has not adopted an official ballot ***or the governing body decides such vote will be by special ballot,*** the clerk shall cause the same question to be printed upon special ballots which shall be used ***during the open, business session of the town meeting*** to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the 3-year term, [at the next annual town meeting] ***then at the subsequent annual town meeting occurring at the completion of the most recently elected tax collector's 3-year term,*** the voters shall elect a tax collector for a one-year term as provided by RSA 41:2.

Amend RSA 41:16-b, II as inserted by section 2 of the bill by replacing it with the following:

II. After a 3-year term for town clerk has been established, at any *subsequent* annual town meeting [held the year before the end of the 3-year term], under an article in the warrant [placed there by petition], the voters may vote to determine if they are in favor of continuing to have a 3-year term for the town clerk. ***The governing body shall determine whether the vote will be by official ballot or by special ballot.*** If the town has adopted an official ballot ***and the governing body decides such vote will be by official ballot,*** the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town clerk from 3 years to one year, beginning [with the term of a town clerk who shall be elected at next year's regular town meeting] ***at the end of the 3-year term of the town clerk elected this year (last year or 2 years ago)?***" Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot ***or the governing body decides the vote will be by special ballot,*** the clerk shall cause the same question to be printed upon special ballots which shall be used ***during the open, business session of the town meeting*** to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the 3-year term [at the next annual town meeting], ***then at the subsequent annual town meeting occurring at the completion of the most recently elected town clerk's 3-year term,*** the voters shall elect a clerk for a one-year term.

Amend RSA 41:26-b, II as inserted by section 3 of the bill by replacing it with the following:

II. After a 3-year term for town treasurer has been established, at any *subsequent* annual town meeting [held the year before the end of the 3-year term], under an article in the warrant [placed there by petition], the voters may vote to determine if they are in favor of continuing to have a 3-year term for the town treasurer. ***The governing body shall determine whether the vote will be by official ballot or by special ballot.*** If the town has adopted an official ballot ***and the governing body decides such vote will be by official ballot,*** the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town treasurer from 3 years to one year, beginning [with the term of a town treasurer who shall be elected at next year's regular town meeting] ***at the end of the 3-year term of the town treasurer elected this year (last year or 2 years ago)?***" Said question shall be printed in the form prescribed by RSA 656:13. If the town has not adopted an official ballot ***or the governing body decides such vote will be by special ballot,*** the clerk shall cause the same question to be printed upon special ballots which shall be used ***during the open, business session of the town meeting*** to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the 3-year term, [at the next annual town meeting] ***then at the subsequent annual town meeting occurring at the completion of the most recently elected town treasurer's 3-year term,*** the voters shall elect a treasurer for a one-year term.

HB 478-L, allowing municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Municipal and County Government: The Committee has considered many bills addressing the optional adjusted elderly property tax exemption. HB 478-L allows municipalities the maximum flexibility to address local needs, to take into account income levels by towns, and then to determine their own dollar amount necessary for qualification. Vote 17-0.

Amendment (1433B)

Amend RSA 72:43-g, III as inserted by section 1 of the bill by replacing it with the following:

III. Owns net assets not in excess of \$30,000 *or an amount to be determined by the city or town for the purpose of RSA 72:43-h, whichever is greater*, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which he in good faith regards as his home to the exclusion of any other places where he may temporarily live. "Residence" shall exclude unattached structures used or intended for commercial or other nonresidential purposes.

Amend RSA 72:43-h, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) The wording of the question shall be: "Shall we adopt optional adjusted elderly exemptions from property tax? The optional exemptions, based on assessed value, for qualified taxpayers shall be as follows: for a person 65 years of age up to 75 years, (here insert dollar amount); for a person 75 years of age up to 80 years, (here insert dollar amount); for a person 80 years of age or older, (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 years; own the real estate individually or jointly, or if the real estate is owned by his spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of [less] *not more than* [\$10,000] (*here insert dollar amount*) or, if married, a combined net income of less than [\$12,000] (*here insert dollar amount*); and own net assets not in excess of (*here insert dollar amount*) excluding the value of the person's residence."

AMENDED ANALYSIS

This bill allows cities and towns to determine the dollar amount of the net income which a taxpayer may have in order to qualify for the optional adjusted elderly property tax exemption.

The bill also provides that a city or town may establish a net asset limitation in excess of \$30,000, for purposes of qualifying for the optional adjusted elderly property tax exemption.

HB 481, enabling municipalities to enact noise ordinances. OUGHT TO PASS

Rep. Robert M. Fesh for Municipal and County Government: This bill enables municipalities to adopt noise ordinances. Cities already have this authority and this would allow towns the same authority. Vote 13-0.

HB 482, providing when a division of land is not considered a subdivision subject to local subdivision regulation. INEXPEDIENT TO LEGISLATE

Rep. Patricia L. Cote for Municipal and County Government: The Committee believes that this legislation would remove some of the checks and balances inherent in the existing subdivision regulations. By looking only at lot size, road frontage, and disposal area, it overlooks other important considerations. Vote 15-1.

HB 483-FN-L, relative to the licensing of dogs. OUGHT TO PASS WITH AMENDMENT

Rep. Richard Noyes for Municipal and County Government: This bill, as amended, addresses a growing problem being felt in many municipalities. The Committee believes it to be a revision in protection of the public against rabies which has proven workable elsewhere and which is advisable for New Hampshire now. All parties, which have differed in the past, were in agreement on this bill. Vote 16-1.

Amendment (1350B)

Amend RSA 466:1 as inserted by section 1 of the bill by replacing it with the following:

466:1 Procuring License; Tag. *Unless the dog is licensed in accordance with RSA 466:4, II-a*, every owner or keeper of a dog [3] 4 months old or over shall annually, on or before April 30, cause it to be [registered,] numbered, described and licensed for one year from the ensuing May 1, in the office of the clerk of the city or town wherein said dog is kept, and shall cause it to wear around its neck a collar to which shall be attached a metal tag with the following information thereon: the name of the city or town, year of issue of license and its [registered] *license* number. Said tag shall be furnished by the clerk at the expense of the city or town from the amount received from the dog license fees.

Amend RSA 466:4, II-a.(a)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) Acquire a lifetime license for any dog which has a permanent form of identification, including, but not limited to a tattoo or surgically implanted microchip, as approved by the commissioner of agriculture. Proof of 3-year rabies inoculation is also required to purchase this license. The rabies inoculation shall be renewed every 3 years for the lifetime of the dog. The fee for a lifetime license shall be \$30 for a neutered dog and \$50 for an unneutered dog.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect January 1, 1994.

HB 484-L, requiring the Hillsborough county commissioners to order reductions in county expenditures, under certain circumstances. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Municipal and County Government: The Committee felt that HB 484-L could be considered "micro managing" of county government by the delegation and that enactment could cause excessive friction between county administrative and legislative branches. Vote 17-0.

HB 489, authorizing the establishment of municipal trails. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: All testimony on this bill was favorable. Many communities already are doing this. The demand for trails is growing, as is their use. This bill is enabling and legalizes present practice. Vote 17-0.

Amendment (1246B)

Amend RSA 231-A:3, I as inserted by section 2 of the bill by replacing it with the following:

I. Any class A or class B trail which was previously a class V or class VI highway may be reclassified pursuant to RSA 231:22-a as a class V or class VI highway, and any class B trail may be reclassified as a class A trail, by vote of the local legislative body.

HB 512-FN-L, prohibiting building inspectors from issuing building permits for construction on property on which there is an outstanding property tax balance. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: To prohibit any property owner from constructing, maintaining, or remodeling his property because he owes back taxes deprives the owner of his constitutional and fundamental property rights. Vote 16-0.

HB 534, enabling municipalities to establish special tax districts. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Perry for Municipal and County Government: HB 534 proposed to allow municipalities to establish special taxing districts for services provided by the municipality. Testimony disclosed that the bill had no specific service or district in mind. The Committee felt that the bill was not specific enough and that the sponsor did not provide a convincing argument that the revenue enhancement hoped for would justify such a bureaucratic creation. Vote 12-0.

HB 535, relative to the municipal optional fiscal year. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Perry for Municipal and County Government: HB 535 would allow a municipality to set its own fiscal year. If enacted, this could create confusion. If HB 239, allowing quarterly billing of property taxes, is adopted the cash flow problem of the one municipality that appeared in support of this bill could be solved. Vote 15-0.

HB 536, expanding user fee opportunities in cities and towns. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: The Committee felt that this bill is far too broad and could be stretched to include fees for services that should be covered by the regular property tax bill. Vote 12-0.

HB 543, allowing municipalities to combine the offices of tax collector and treasurer. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Municipal and County Government: While this enabling legislation would not be of interest to all municipalities, the Committee believes it would be suitable for enough of them to deserve enactment. There are safeguards available to afford protection against a possible reduction in the necessary checks and balances. Vote 15-1.

Amendment (1423B)

Amend RSA 41:29-b as inserted by section 1 of the bill by replacing it with the following:

41:29-b Town Tax Collector-Treasurer. Any municipality, *by vote of the legislative body*, may combine the offices of tax collector and treasurer, if the municipality's finances are audited annually.

AMENDED ANALYSIS

This bill allows municipalities, by vote of their legislative bodies, to combine the offices of tax collector and treasurer, if yearly audits of the municipalities' finances are conducted.

HB 551-L, requiring voter approval for the issuance of all bonds in cities and town council government towns. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Municipal and County Government: Testimony during hearing was overwhelmingly negative. HB 551 would, at best, cause great difficulties in budget planning. There is also a question as to constitutionality, as the bill would, in effect, change a community's form of government without a community vote. Vote 11-0.

HB 568-FN-L, eliminating the cap on state guaranteed debt issued by towns and cities to close landfills. **INEXPEDIENT TO LEGISLATE**

Rep. Richard Noyes for Municipal and County Government: The Committee believes the existing cap, having been imposed only a year ago, has proved consistent with current needs. While the expected increase in need to close landfills may change that situation in the long-term future, statewide prudence is best served by leaving the cap intact at this time. Vote 14-0.

HB 591-FN-L, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card. **OUGHT TO PASS WITH AMENDMENT**

Rep. Glen C. Gervais for Municipal and County Government: The Committee recognizes this enabling legislation provides an option for communities to better serve the public and enhance collection procedures. Amendment was required because credit card companies do not allow service charges to be passed on to the user. Vote 17-0.

Amendment (1521B)

Amend RSA 29:11-b as inserted by section 1 of the bill by replacing it with the following:

29:11-b Payment by Credit Card. The county commissioners, by rule or regulation may authorize the county treasurer or other appropriate county official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any county adopting such a rule or regulation shall add to the amount due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. The service charge shall be based upon the credit card company's rate and the actual cost to the county for the use of the service. The county, at the time of billing, shall disclose the amount of the service charge.

Amend RSA 80:52-c as inserted by section 2 of the bill by replacing it with the following:

80:52-c Payment by Credit Card. The legislative body, by ordinance adopted in accordance with RSA 674, may authorize the municipality's treasurer or other appropriate municipal official to accept payment of local taxes, charges generated by the sale of utility services, or other fees by use of a credit card. Any municipality adopting such an ordinance shall add to the amount

due, in addition to any penalties and interest payable, a service charge for the acceptance of the card. The service charge shall be based upon the credit card company's rate and the actual cost to the municipality for the use of the service. The municipality, at the time of billing, shall disclose the amount of the service charge.

HB 642-FN, requiring voter approval for the issuance of all county bonds. **INEXPEDIENT TO LEGISLATE**

Rep. Glen C. Gervais for Municipal and County Government: This bill would provide massive problems to the budget process and planning. Vote 15-0.

HB 648, permitting emergency unit vehicles to be equipped with sirens. **INEXPEDIENT TO LEGISLATE**

Rep. Leo P. Pepino for Public Protection and Veterans Affairs: The legislation is well intended, but the committee feels RSA 266:73 pertaining to emergency vehicles equipped with sirens already addresses the sponsor's concerns. Vote 14-1.

HB 671-FN, increasing the term of a resident's license to carry loaded pistols and revolvers. **OUGHT TO PASS**

Rep. Loren J. Jean for Public Protection and Veterans Affairs: This bill will reduce the amount of paper work and administrative costs to the cities and towns allowing police officers to better use their time. It is also less of an inconvenience to the citizenry. Vote 15-0.

HB 647, requiring the department of transportation to study the feasibility of a bypass around the town of Troy and to reconstruct the N.H. Routes 9 and 119 bridges over the Connecticut river and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Edwin O. Smith for Public Works: These two bridges are very important to southwestern New Hampshire. The biggest problem is coordination with the state of Vermont and town of Brattleboro for a west landing and approach. If this bill is kept alive our negotiations with Vermont could be enhanced. The Route 12 situation in Troy is being addressed. Troy has an article for its 1993 Town Meeting to get local input for direction, bypass vs. improvements to existing location. Re-refer will allow Troy and the Department of Transportation to continue their negotiations to the satisfaction of both. Vote 17-0.

HB 412-FN, allowing liquor licenses for billiard facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Regulated Revenues: The bill as amended will treat billiard facilities the same as bowling or racquet sport facilities and will allow separate lounges in those establishments that have 12 or more billiard tables. Vote 15-1.

Amendment (1267B)

Amend the bill by replacing section 1 with the following:

1 Racquet Sport Facility Redefined to Include Billiard Facilities. Amend RSA 175:1, LVII to read as follows:

LVII. "Racquet sport facility" means a facility which has at least one indoor regulation size tennis or regulation racquetball court, *or a public billiard facility with 12 or more regulation billiard or pool tables, playable and simultaneously available for hire, which are licensed pursuant to RSA 286:6 if the city or town requires, or a facility which has 2 regulation size curling links, which are kept in proper condition.*

HB 485, prohibiting casino gambling in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Elaine Hashem for Regulated Revenues: The committee felt it was too soon to approve such a restrictive bill. Several bills in possession of the committee address casino gambling, and there probably will be a study committee to look at all phases of gambling in New Hampshire. Vote 17-0.

HB 495, establishing a committee to study the feasibility of allowing casino gambling in the state of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Regulated Revenues: The committee strongly felt that this subject matter was ripe for study as the last study was done 12 years ago, and information we

received on gambling bills refers to all other states but not New Hampshire. However, the committee wishes to amend another bill coming out later so we may better define the scope and makeup of the membership of the study committee. Vote 17-0.

HB 626-FN-A-L, permitting casino gambling in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Behrens for Regulated Revenues: There was no testimony offered which justified the establishment of casino gambling at this time. While casino gambling is presented by some to be a financial salvation, the negatives of open casino gambling in this state far outweigh the monetary gain. The committee did feel, however, that the conflicting arguments warranted study and will be addressed by legislation to come. Vote 18-0.

HB 156-FN-L, exempting municipalities from the fee charged for water stored by the state. **INEXPEDIENT TO LEGISLATE**

Rep. Mildred A. Beach for Resources, Recreation and Development: After considerable discussion and concern for the amount of money that the Town of Sunapee must pay the State of New Hampshire for water rights at its hydropower station on the Sugar River, the Committee believes that the State of NH should not break its contract with the Town of Sunapee. Not only does the Town of Sunapee benefit from receiving more than \$200,000 annually from the power it generates, but the Lake Sunapee Dam stabilizes the lake level for the property owners along the Town's 13.5 miles of shoreline, a service that the State provides free to the Town. Sunapee's hydropower plant generates an average of 2,440,000 KWH of power per year. By law, Public Service Company of New Hampshire must purchase this power at \$.09 per KWH which results in Sunapee receiving some \$210,000 per year. HB 156 would release Sunapee from its commitment to pay \$4212 per year in water user fees. RSA 481 requires that these water user fees be spread equitably among all water users, both public and private. This concept has existed since colonial times, further guaranteeing riparian rights. At the present time, these funds are placed in a specific dam account to help pay the cost of maintaining, operating and repairing the headwater dam, the state-owned Lake Sunapee Dam. Vote 18-1.

HB 163-FN, establishing a leaking underground storage tank cost recovery fund. **OUGHT TO PASS**

Rep. Janet M. Conroy for Resources, Recreation and Development: HB 163 is a housekeeping bill requested by the Department of Environmental Services to establish a Leaking Underground Storage Tank Cost Recovery Fund by amending RSA 146-C:12. The creation of this proposed LUST Cost Recovery Fund has been requested by the Environmental Protection Agency to allow use of cost recovered federal monies by the State and to simplify the federal auditing process for these funds. Vote 14-0.

Referred to Appropriations.

HB 253, designating a portion of funds collected under the oil pollution control fund to train and equip personnel in oil spill response. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ann C. Holl for Resources, Recreation and Development: The purpose of this legislation is to designate a portion up to \$100,000 of the funds collected under the oil pollution control fund to train and equip the Piscataqua River Cooperative in oil spill response. The Piscataqua River is unique in that it is the major distribution point of oil on our seacoast. Because of this and because of the fast flowing movements of this river, it is imperative that proper training and equipment are available for a quick response in case of an oil spill. Vote 17-0.

Amendment (1406B)

Amend the bill by replacing section 1 with the following:

1 Personnel Training. Amend RSA 146-A:11-a, I to read as follows:

I. There is hereby established the New Hampshire oil pollution control fund. This nonlapsing, revolving fund shall, at a minimum, pay the salaries and expenses of the persons specified in RSA 146-A:11, except as the legislature may otherwise determine, as well as the costs to implement the provisions of RSA 146-A which include, but are not limited to, the salaries and expenses of additional personnel to the extent that such salaries and expenses are incurred in imple-

menting the provisions of this chapter, and the other costs of containment or removal or corrective measures deemed necessary by the division of water supply and pollution control as a result of an actual or potential oil discharge into or onto the surface water or groundwater of the state. Moneys from the fund shall be used to mitigate the adverse effects of oil discharges including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured third parties. Not more than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such oil discharges. *In addition, up to \$100,000 of such 10 percent shall be allocated annually to the Piscataqua River Cooperative to train and equip personnel in oil spill response.* In the event of an oil discharge, the division of water supply and pollution control may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

HB 295, requiring owners of private launch ramps who charge fees for the use of such ramps to provide toilet facilities. OUGHT TO PASS WITH AMENDMENT

Rep. Eugene Ritzo for Resources, Recreation and Development: All establishments that offer public docking or launching facilities and sell food or fuel to boat users shall provide toilet facilities to such users. Vote 14-0.

Amendment (1463B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring commercial establishments that offer public docking
or launching facilities to provide toilet facilities.

Amend RSA 270:72-a as inserted by section 1 of the bill by replacing it with the following:

270:72-a Toilet Facilities Required. All commercial establishments that offer public docking or launching facilities and sell food or fuel to boat users shall provide toilet facilities to such users.

AMENDED ANALYSIS

This bill requires commercial establishments that offer public docking or launching facilities and sell food or fuel to boat users to provide toilet facilities.

HB 312, relative to protecting New Hampshire's heritage landmarks and establishing a review process. OUGHT TO PASS WITH AMENDMENT

Rep. Mary Ellen Martin for Resources, Recreation and Development: The Committee was unanimously in support of this review process which, in essence, puts a New Hampshire "red ribbon" on sites already considered valuable enough to be National Historic Landmarks e.g., Robert Frost's home. The intent and effect will be to give the Division of Historical Resources oversight in protecting New Hampshire's heritage landmarks. Vote 12-0.

Amendment (1474B)

Amend the bill by replacing sections 3 and 4 with the following:

3 New Subdivision; Heritage Landmark Designation. Amend RSA 227-C by inserting after section 23 the following new subdivision:

New Hampshire Heritage Landmarks

227-C:24 Review Process Established; Purpose. There is hereby established a review process, which shall be administered by the director of the division of historical resources, to insure the protection of designated New Hampshire heritage landmarks. The purpose of the review process is to protect the environmental integrity of designated historic landmarks from events which would diminish their heritage value for future generations as educational and inspirational assets of the state.

224-C:25 Designation as Heritage Landmark. As of July 1, 1993, all presently designated National Historic Landmarks owned by the state of New Hampshire are hereby designated New Hampshire heritage landmarks and afforded the protection of this subdivision. Additional sites shall be afforded the protection of this chapter upon nomination as National Historic Landmarks.

224-C:26 Protection Against Development Projects. No publicly funded project having the potential to adversely effect a designated site shall be undertaken without a determination and analysis of the effect upon the integrity of the site. The determination and the analysis shall be conducted under the supervision of the director of the division of historical resources and shall, at a minimum, include consideration of visual and aural effects upon visitors at the site, access to the site, and the traditional setting of the site. The determination and the analysis shall also include at least one opportunity for public comment on the proposal; such hearing to be held in the community or communities most affected by the proposal.

4 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill establishes a review process under the direction of the division of historical resources which is designed to insure that as of July 1, 1993, all presently designated New Hampshire heritage landmarks are protected.

After this date, additional heritage landmarks shall qualify for this protection only after being nominated by the Secretary of the Interior for National Historic Landmark status.

HB 426-FN, allowing reimbursement for cleanup of leaks from above ground tanks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martin Feuerstein for Resources, Recreation and Development: This bill defines a bulk storage facility as above ground gasoline and diesel fuel storage. It also establishes a fund to pay for cleanup of bulk storage spills by increasing the oil import fee from .006 to .007 with the additional .001 dedicated to bulk storage spill cleanup. This fund may grow to \$580,000. All parties concerned believe this will remedy any inequities currently felt to exist in the statutes. Vote 17-0.

Amendment (1635B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a separate account in the oil discharge and disposal cleanup fund to reimburse owners of bulk storage facilities for the costs associated with gasoline and diesel product spillage.

Amend the bill by replacing all after the enacting clause with the following:

1 Bulk Storage Facilities Added. Amend RSA 146-D:1 to read as follows:

146-D:1 Purpose. The general court finds that gasoline and diesel fuel, due to their extreme fluidity and suspected carcinogenic qualities, comprise a sufficiently distinct class of property which represents a potential serious health and safety problem to the citizens of New Hampshire. In particular, gasoline and diesel fuel present a potential threat to the quality of New Hampshire's groundwater and environment because of the speed with which these products are able to flow into, and contaminate, valuable groundwater supplies. The purpose of this chapter is to establish financial responsibility for the cleanup of oil discharge and disposal, and to establish a fund to be used in addressing the costs incurred by the owners of underground storage facilities **and bulk storage facilities** for the cleanup of oil discharge and disposal, to protect groundwater, and for reimbursement for third party damages. The fund established under this chapter shall be in addition to the oil pollution control fund established pursuant to RSA 146-A:11-a.

2 "Facility" Changed to "Underground Storage Facility." Amend RSA 146-D:2, II to read as follows:

II. "**Underground Storage Facility**" means a location consisting of a system of underground storage tanks, pipes, pumps, vaults, fixed containers and appurtenant structures, singly or in any combination, which are used or designated to be used for the storage, transmission, or dispensing of oil or petroleum liquids, and which are within the size, capacity and other specifications prescribed by rules adopted by the division pursuant to RSA 146-C:9, VI.

3 New Paragraph; Bulk Storage Facility Defined. Amend RSA 146-D:2 by inserting after paragraph IV the following new paragraph:

V. "Bulk storage facility" means a location not regulated under RSA 146-C, consisting of a system of above ground storage tanks, pipes, pumps and appurtenant structures, singly or in any combination, with a total storage capacity greater than 1,100 gallons and less than or equal to 1,100,000 gallons, which is or has been used for the storage and distribution of gasoline or diesel products.

4 Fee Increased. Amend RSA 146-D:3, II to read as follows:

II. Any distributor or any person who buys oil from a distributor without paying the fee required by this [subparagraph] *paragraph* at the time of such purchase shall be licensed with the department of safety. A fee of [\$.006] **\$.007** per gallon of oil shall be assessed at the time of sale in this state. This fee shall be in addition to any road toll paid pursuant to RSA 260:32 and shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. If the fund's balance becomes greater than \$10,000,000, the fund assessment fees provided for in this [subdivision] *paragraph* shall be discontinued and only reestablished when the fund's balance is less than \$5,000,000. Any distributor who imports or any licensee who buys home heating oil which is subsequently sold as diesel fuel for the propulsion of motor vehicles shall report the fuel as required in RSA 146-D:3, III. Any person purchasing home heating oil for diesel use and not declaring this intent to the distributor or licensee at the time of purchase shall be liable in the same manner as the distributor or licensee would be.

5 New Paragraphs; Fund Separated into Accounts. Amend RSA 146-D:3 by inserting after paragraph V the following new paragraphs:

VI. For each gallon of oil for which a fee is assessed, \$.006 per gallon shall be placed in an account for reimbursement of owners of eligible underground storage facilities and \$.001 per gallon shall be placed in an account to be used for reimbursement of owners of eligible bulk storage facilities.

VII. All moneys in the oil discharge and disposal cleanup fund prior to the effective date of this paragraph shall be available only for reimbursement of owners of underground storage facilities, except that, within 30 days after the effective date of this paragraph, the oil fund disbursement board shall make \$580,000 of such moneys available for reimbursement of owners of bulk storage facilities. This shall be a one-time only transfer of funds between accounts for the start-up of the bulk storage reimbursement program. One-half of the \$.001 per gallon collected for bulk storage facilities shall be deposited in the account for reimbursement of owners of underground storage facilities until the \$580,000 has been returned in full.

6 Rulemaking Reference Added. Amend RSA 146-D:5, I(d) to read as follows:

(d) Developing eligibility criteria in addition to the requirements of RSA 146-D:6, I *and*

I-a.

7 Eligibility Expanded. Amend RSA 146-D:6, I to read as follows:

I. The portion of the fund *for reimbursement of owners of underground storage facilities* shall be available to owners of underground storage facilities[,] which are subject to the provisions of RSA 146-C and which are in compliance with New Hampshire Code of Administrative Rules Env-Ws 411. Owners of regulated underground storage facilities with current permits[,] and current records shall be eligible to apply to the fund.

8 New Paragraph; Fund Eligibility for Bulk Storage Facilities. Amend RSA 146-D:6 by inserting after paragraph I the following new paragraph:

I-a. The portion of the fund for reimbursement of owners of bulk storage facilities shall be available to owners of bulk storage facilities that are in compliance with all applicable federal and state requirements for such facilities. Reimbursements shall only be made for costs of cleanup and third party damages associated with gasoline and diesel product spillage. To be eligible for reimbursement, the following registration requirements shall be met:

(a) The owner shall have registered the facility with the division of water supply and pollution control on forms provided by the division which shall include but not be limited to the following information:

(1) Facility name, location, and address.

(2) Owner's name, mailing address and telephone number.

(3) Contact person for the facility.

(4) The storage capacity, product stored, material of construction, and age of the storage tanks and appurtenances.

(b) Bulk storage facilities existing on or before July 1, 1993, shall be registered no later than July 1, 1994. Bulk storage facilities constructed after July 1, 1993, shall register no later than 60 days after the completion of construction.

9 Certain Repairs Not Eligible. Amend 146-D:6, V to read as follows:

V. Costs of new tanks and associated piping, *or repairs to existing tanks and associated piping*, shall not be considered eligible costs under this chapter.

10 Applicability of Rules for Bulk Storage Facilities. The oil fund disbursement board may operate under its present rules for granting reimbursements from the oil discharge and disposal cleanup fund with the exception of those rules specifically pertaining to facilities regulated under RSA 146-C, in effect as of the effective date of this section, in order to reimburse owners of bulk storage facilities, to the extent that such rules are applicable to bulk storage facilities.

11 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill defines a bulk storage facility and establishes a separate account in the oil discharge and disposal fund which allows an owner of a bulk storage facility to recover the costs of gasoline and diesel product spillage.

The funds shall come from an increase in the oil importer fee that shall be placed in a separate account. A portion of the funds in the oil discharge and disposal cleanup fund shall be used to fund the bulk storage facility account.

HB 486, designating segments of the Piscataquog River for the rivers management and protection program. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 486, as amended, designates the Piscataquog River for the Rivers Management and Protection Program, while providing a solution to the objection of several landowners on the upper reaches of the Middle Branch of the River. The river accommodated some 150 small mill sites during the colonial period. If at some future date, serious interest is expressed in restoring some of these sites, the Committee recognizes that the river designations can be amended to accommodate such projects. Vote 16-0.

Amendment (1455B)

Amend RSA 483:15, IX(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Piscataquog River - middle branch. As a natural river from the natural outlet of Scobie Pond in Francestown to the inlet of the upper cranberry bog at the New Boston town line, approximately 11.5 miles to its mouth in New Boston.

HB 502, relative to public trust water rights in New Hampshire. RE-REFER TO COMMITTEE

Rep. Leonard A. Smith for Resources, Recreation and Development: Recognizing the concerns of private interest with the priorities which the Committee believes should be addressed in basin planning (SB 139) and in order to continue the dialogue and address these concerns, the Committee wishes to re-refer this bill. Vote 15-0.

HB 567-FN-A, requiring the office of state planning to conduct a satellite survey of clearcut areas and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas J. Kirby for Resources, Recreation and Development: HB 567 directs the Office of State Planning (OSP), in cooperation with the Division of Forest and Lands, to contract with the University of New Hampshire Complex Systems for Satellite Imagery to obtain and develop data resources arising from the Landsat Satellite Program bearing upon the past experience of forest clearcutting in New Hampshire. This provides New Hampshire with baseline data for use in future decision making on the practice of forest clearcutting. Vote 14-1.

Amendment (1511B)

Amend the bill by replacing section 1 with the following:

1 Survey Required.

I. The office of state planning, in cooperation with the division of forest and lands, shall study the clearcut information gathered from the intent to cut report and report of cut prepared pursuant to 1991, 375. This study may be conducted in cooperation with studies of a similar nature.

II. The office of state planning shall contract with the University of New Hampshire complex systems for satellite imagery services and conduct a survey using satellite imagery to survey the clearcutting areas throughout the state. A portion of the sum appropriated may be used to purchase scenes of the satellite data. Any residual may be used to purchase additional scenes.

Referred to Appropriations.

HB 572-FN-A, authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund and appointing special duty forest rangers, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: This legislation was filed upon the recommendation of the Study Committee on Forest Management and Protection (HB 505 - 1992). As amended, HB 572 sets up a program to insure that the state-owned forests are better managed and that all forest resources, both public and private, will receive better forest fire protection. The bill also provides for administrative fines to assist the Division in forest law enforcement and for the establishment of a deputy forest ranger program at no expense to the general fund. Although the Resources Committee is convinced that revenues generated from timber cut on state land (\$150,000 - \$170,000 per year) all should be used to fund the State forest management and law enforcement programs, instead of going into the general fund, we realize that this is not the time to press that issue. No doubt it will be the subject of future legislation. Vote 17-0.

Amendment (1166B)

Amend RSA 219:14-a, II as inserted by section 3 of the bill by replacing it with the following:

II. The forest management and protection fund shall be a nonlapsing fund administered by the treasurer of the state of New Hampshire. The fund shall be continually appropriated and expended at the discretion of the director of the division of forest and lands and the commissioner of the department of resources and economic development. Any funds in excess of that appropriated from the fund may be expended by the commissioner, with prior approval of the fiscal committee and governor and council, in accordance with RSA 219:14-A, I. Revenues shall be derived from the proceeds of the sale of timber and other forest products from state-owned forest lands, the amount of which shall be the difference between the total receipts from the sale of timber within any fiscal year, and \$170,000, the average annual stumpage receipt from the sale of timber from state forest lands for the period 1983-1992. Revenues shall also be derived from the lease of state-owned forest lands, or billable services provided by the division of forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund shall also be derived from administrative fines collected pursuant to RSA 224:47-a.

Amend the bill by replacing sections 5 and 6 with the following:

5 Appropriation. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 1994, and the sum of \$30,000 for the fiscal year ending June 30, 1995, to the department of resources and economic development, division of forest and lands, for the purposes of this act. These funds shall be in addition to any other appropriations that may be appropriated and shall be a charge against the forest management and protection fund established in section 3 of this act.

6 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 577, allowing municipalities to regulate activities on the ice on great ponds. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: After consulting with the sponsors, the Committee felt that allowing municipalities to post warnings on conditions of ice

on great ponds will clear up any ambiguity existing at this time. HB 577 will give municipalities the authority to post warnings in the interest of safety. Vote 18-0.

Amendment (1585B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing municipalities to post warnings
regarding the ice on great ponds.

Amend the bill by replacing section 1 with the following:

1 New Section; Municipalities Authorized to Post Warnings. Amend RSA 271 by inserting after section 20-a the following new section:

271:20-b Frozen Surface of Public Waters. The local governing body of a municipality may post warnings for the use of any frozen surface of any public body of water within its boundaries in the interest of public safety.

AMENDED ANALYSIS

This bill allows the local governing body of a town or municipality to post warnings for the use of a frozen surface of a public body of water for safety reasons.

HB 627-FN, authorizing the department of fish and game to accept the Spencer Pond dam in the town of Canterbury. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: This bill was filed at the request of the New Hampshire Fish and Game Department which testified at the hearing that there was no need for this legislation because the Department no longer wanted to acquire the Spencer Pond Dam. Vote 18-0.

HB 636-FN, requiring users of the state park system to pay an additional fee to be deposited into the fish and game search and rescue fund. **INEXPEDIENT TO LEGISLATE**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: Once the sponsors and the Committee heard that the Fish and Game Department search and rescue operations were fully funded by a \$1.00 charge in off highway recreational vehicle and boat registrations, all agreed that HB 636 was not needed. Vote 18-0.

HB 678-FN, relative to unfunded state mandates and exempting political subdivisions from certain administrative fines. **RE-REFER TO COMMITTEE**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The Resources Committee understands that a study is being conducted to answer the question of whether or not an administrative fine levied against a municipality would be in conflict with Part I, Article 28-a of the New Hampshire Constitution. Because of this uncertainty, and the possibility that this issue will be clarified by further study, the Resources Committee wishes to re-refer HB 678. Vote 19-0.

HB 127-FN, relative to private lease of state railroad real estate. **RE-REFER TO COMMITTEE**

Rep. Bernard J. Raynowska for Transportation: The committee members felt that the people involved should have some input or at least know the cost of \$4,750 + and why the state-owned railroad wants this private lease. The Bureau of Railroads and Public Transportation of the Department of Transportation agree with this recommendation. Vote 11-1.

HB 265, imposing penalties for careless driving. **INEXPEDIENT TO LEGISLATE**

Rep. Carl S. Adams for Transportation: The language of this bill is perceived to closely parallel present statute. Although supported by some state troopers, most law enforcement officers felt that this bill would provide an easy escape from the penalties of present law. Vote 13-0.

HB 352, requiring DWI offenders to supply a certified copy of their New Hampshire driver's license record at the time of enrollment into an impaired driver intervention program. **OUGHT TO PASS**

Rep. Frank D. Callaghan for Transportation: This bill would require a Driving While Intoxicated offender to provide a certified license record before entering into an impaired driver intervention program. Vote 15-0.

HB 436-FN, requiring the division of motor vehicles to provide limited driving privileges to certain persons who have lost their privileges. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth W. Malcolm for Transportation: It was the consensus of the committee from the testimony that while this limited license might be helpful to some, it would be unenforceable by the law enforcement community, and would reduce the impact of license suspensions as a behavior modification incentive. Vote 12-1.

HB 581, relative to the use of an altered form of identification to purchase alcoholic beverages. **OUGHT TO PASS**

Rep. Edward J. Crotty for Transportation: The committee was in total agreement that any person 20 years of age or older who knowingly presents a false or altered license to purchase liquor for an underaged person should have his/her license or privilege to drive suspended for 30 days. Vote 13-0.

HB 611, establishing a maximum speed limit on New Hampshire tidal waters. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard J. Raynowska for Transportation: The committee felt that the speed of 10 knots would not be appropriate for all tidal waters. The committee further felt that the subject of speeds would be addressed by the committee studying House Bill 610 which was voted Re-Refer. Vote 16-0.

HB 115, repealing reporting requirements for fish or game propagation licensees; and limiting the time bob-houses may be on public property and adding a penalty for violations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Henry W. Coulombe for Wildlife and Marine Resources: This bill, requested by the Fish and Game Department, limits time bob-houses may be on public property. Vote 12-0.

Amendment (1485B)

Amend RSA 211:17-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Any owner of a smelt shanty or bob-house who shall allow [said] *the* structure to remain on public property or public waters or on the property of another without permission after April [seventh] *I* shall be guilty of a violation, and *such owner's fishing license or privileges shall be suspended for one year*. The fish and game department may claim such property and its contents [thereof] and sell at a public auction to be held at the discretion of the executive director, or, if of no value and the owner cannot be apprehended, [said] *the* structure and its contents may be destroyed.

AMENDED ANALYSIS

This bill repeals reporting requirements for fish or game propagation licensees.

This bill requires bob-houses for ice fishing to be removed from public property and public waters by April 1. Bob-house owners who violate this law shall have their fishing license or privileges suspended for one year.

HB 116, relative to deer tags and fly fishing on the Connecticut River. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leighton Pratt for Wildlife and Marine Resources: The bill repeals the fly fishing restrictions on a portion of the Connecticut River and allows for all fly fishing in the state to be regulated by administrative rule. The amendment deletes the deer tag section which have been merged into HB 151. Vote 13-0.

Amendment (1213B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to fly fishing on the Connecticut River.

Amend the bill by deleting section 1 and renumbering the original sections 2 and 3 to read as 1 and 2.

AMENDED ANALYSIS

This bill repeals the fly fishing only limitation for a certain portion of the Connecticut River.

This bill is a request of the department of fish and game.

HB 151-FN, permitting the department of fish and game to issue an extra deer tag to certain licensees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph Schanda, Sr. for Wildlife and Marine Resources: This bill was requested by the Fish and Game Department. Section 2, as amended, allows the Executive Director of the Department to issue a special deer license to take an additional deer in order to better manage the deer herd. Section 3, as amended, incorporates HB 150 into this bill and includes bow hunters under the new section to RSA 208:5-b. Section 4, as amended, incorporates HB 116 and prohibits possession of a detached or perforated deer tag during the open season for deer. Vote 13-0.

Amendment (1203B)

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the department of fish and game to issue a special deer license to certain licensees, authorizing the executive director to determine the number of deer taken by an archery licensee, and relative to deer tags.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The white-tailed deer, being a prolific and popular game species subject to weather and management induced fluctuations in density, offers significant opportunity for recreation. In order to take full advantage of the recreational opportunity provided by this resource and to allow maximum flexibility and effectiveness in management, it is desirable to issue a special deer license when population levels can support such harvest.

2 New Section; Special Deer License. Amend RSA 208 by inserting after section 5-a the following new section:

208:5-b Special Deer License. The executive director may issue a special deer license to a licensee licensed under RSA 214:9, 208:5, or 208:5-a. Such special deer license shall allow the taking of one additional deer. The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method and manner of taking as well as the issuance and fee for a special deer license.

3 Archery Licensee; Number of Deer Permitted. Amend RSA 208:5, IV to read as follows:

IV. The licensee shall be entitled to take one deer under the archery license and one additional deer if such licensee also possesses a regular firearms hunting license *and such additional deer as the executive director shall permit in accordance with RSA 208:5-b.*

4 Possession of Deer Tag Limited. Amend RSA 208:16 to read as follows:

208:16 Use of Deer Tag. The holder of a license to hunt under RSA 214:9, I, III, VI, VII, and RSA 208:5 shall be provided with a deer tag. The holder of a license shall, upon killing his deer, fill out and securely attach to the deer or carcass the deer tag bearing the name and address of the licensee. The deer tag shall remain attached to the deer or carcass thereof as long as the deer or carcass remains in the state, and the owner shall be entitled to transport it or have it transported as provided in RSA 208:12 and 13. Only the deer tag issued to the licensee who killed the deer shall be attached to that deer carcass. No person shall possess a deer tag that was not issued to that person. *No person shall attach a deer tag to a deer he did not kill. No person shall possess a detached or perforated deer tag during the open season for deer unless such tag is attached to a deer or carcass of a deer as provided in this subdivision.*

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill:

I. Permits the department of fish and game to issue a special deer license to certain licensees.

II. Permits the executive director to determine the number of deer an archery licensee may take.

III. Prohibits a person from possessing a detached or perforated deer tag during the open season for deer unless the tag is attached to a deer.

HB 159, designating a portion of the OHRV registration fees for trail acquisition. OUGHT TO PASS

Rep. Ervin R. Lachut for Wildlife and Marine Resources: This bill designates acquisition as well as maintenance for OHRV trails. Vote 11-0.

HB 506, relative to certain uses of an artificial light to locate animals. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph Schanda, Sr. for Wildlife and Marine Resources: The committee felt that this was a local problem and passage of this bill as written would adversely affect much of the state. We did feel, however, expanding the present game illumination laws to cover archery season would eliminate most of the activity that created this situation. Vote 10-0.

Amendment (1437B)

Amend the title of the bill by replacing it with the following:

AN ACT

expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals.

Amend the bill by replacing all after the enacting clause with the following:

1 Illegal Use of Light to Locate Animals; Prohibition Expanded. Amend RSA 208:8-a, I to read as follows:

I. Any person who deliberately uses an artificial light during the period from [October 1] *September 1* through December 31 to illuminate, jack, locate or attempt to locate wild birds or wild animals shall be guilty of a violation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill expands the time during which the deliberate illumination of wild birds and wild animals is prohibited.

HB 527, relative to limiting the taking of deer in Rockingham county. RE-REFER TO COMMITTEE

Rep. Allen R. Wiggin for Wildlife and Marine Resources: Contact with the selectmen and residents of Rockingham County indicated they wanted to discuss the issue at Town Meeting and get back to the committee in the summer. Vote 11-0.

HB 670-FN, repealing the authority of the fish and game department to regulate the taking and sale of clams, clam worms, and oysters and granting municipalities such authority. RE-REFER TO COMMITTEE

Rep. Paul A. McGuirk for Wildlife and Marine Resources: Testimony given the committee indicated multiple problems with the bill as presented. The committee is currently considering HB 211 which also deals with the taking of shellfish. It is the feeling of the committee that re-referral of HB 670-FN will allow us to incorporate the good provisions of HB 670-FN into HB 211 and, when finalized, will give the State of New Hampshire a sound program for shellfish harvesting. Vote 15-0.

REGULAR CALENDAR

HB 455-FN, increasing the funds available for prevention programs from 5 percent to 15 percent of the appropriation to the division for children and youth services. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara H. Richardson for Children, Youth and Juvenile Justice: The committee strongly approves the value of these cost effective prevention and intervention programs for children and families. Three members had reservations about any increased expenditures. Vote 18-3.

Amendment (1444B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the funds available for prevention programs from 5 percent to 10 percent of the appropriation to the division for children and youth services.

Amend the bill by replacing section 1 with the following:

1 Funding Increased. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than [5] 10 percent of the amount appropriated in each fiscal year to the division for children and youth services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the director. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

AMENDED ANALYSIS

This bill increases the funds available for prevention programs from 5 percent to 10 percent of the appropriation to the division for children and youth services.

Adopted.

Report adopted and referred to Appropriations.

HB 290, establishing priority of real estate tax liens. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill ratifies and codifies existing case law and practice, which places real estate tax liens in a priority position over all other liens in both tax sales and tax lien municipalities. Vote 16-0.

Amendment (1447B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the purpose of the general court, in passing this legislation, to affirm that properly imposed real estate tax liens take priority over all other liens. This bill ratifies and codifies existing case law and practice, which place real estate tax liens in a priority position over all other liens in both tax sale and tax lien municipalities.

2 Priority; Real Estate Tax Liens. Amend RSA 80:19 to read as follows:

80:19 Lien; Special Assessments and Agreements. The real estate of every person or corporation shall be holden for all taxes assessed against the owner thereof; and all real estate to whomsoever assessed shall be holden for all taxes thereon. All such liens shall continue until one year from October 1 following the assessment. *All such liens imposed in accordance with this chapter shall have priority over all other liens.* For the purposes of this chapter, the word "taxes" shall include special assessments and agreements in lieu of or in the nature of special assessments.

3 Real Estate Tax Liens; Optional Procedure. Amend RSA 80:59 to read as follows:

80:59 Real Estate Tax Lien; Optional Procedure. The real estate of every person or corporation may be subject to the tax lien procedure by the collector, in case all taxes against the owner shall not be paid in full on or before December 1 next after its assessment, provided that the municipality has adopted the provisions of RSA 80:58-86 in accordance with RSA 80:87. *A real estate tax lien imposed in accordance with the provisions of RSA 80:58-86 shall have priority over all other liens.*

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

HB 329, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. John B. Hunt for the Majority of Commerce, Small Business and Consumer Affairs: On a vote of 8 to 10 a compromise amendment failed. The amendment allowed a condominium association to include in its bylaws a procedure, including a priority of lien procedure, requiring any person purchasing a condominium unit to deposit a certain amount of money to an escrow account for assessment in the event such unit is foreclosed upon. Since the committee failed to find a compromise, it was voted inexpedient to legislate. Vote 13-5.

Rep. Beverly A. Gage for the Minority of Commerce, Small Business and Consumer Affairs: The minority of Commerce, Small Business and Consumer Affairs Committee feels that some relief should be provided for condominium associations that are having financial difficulties with nonpayment of fees over an extended period. The minority also feels that the amendment presented by the subcommittee was a fair and workable solution to this problem as it was only permissible and not a mandate.

Majority report adopted.

HB 399, modifying a certain portion of the blue laws regarding Sunday business activity. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill changes the "Lord's Day" to Sunday, but does not change the current law that allows any city or town to vote for Sunday blue laws. The amendment removes the remaining state blue laws, some of which date back to 1877. Vote 14-1.

Amendment (1499B)

Amend the title of the bill by replacing it with the following:

AN ACT

removing a certain portion of the blue laws regarding Sunday business activity and relative to certain police regulations.

Amend RSA 332-D:4 as inserted by section 1 of the bill by replacing it with the following:

332-D:4 Exceptions. Nothing in this chapter shall prevent the selectmen of any town, or the city council of any city, from adopting bylaws and ordinances permitting and regulating retail business, plays, games, sports, and exhibitions on [the Lord's Day] *Sundays*, provided such bylaws and ordinances are approved by a majority vote of the legal voters present and voting at the next regular election. In towns of over 10,000, said approval may be obtained at a special election held before the regular election. [But no such bylaws or ordinances shall permit public dancing on the Lord's Day after 1 a.m., or prize fights at any time on the Lord's Day, or the games of baseball, hockey, or football, or any games, sports, or exhibitions of physical skill at which admission is charged or donations accepted, to be held earlier than one o'clock in the afternoon, or the opening of theatrical or vaudeville performances or motion pictures earlier than two o'clock in the afternoon.]

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Regulation Removed. Amend RSA 105:6 to read as follows: 105:6 Police Regulations. The police officers of a town may make regulations for the stand of hacks, drays, public automobiles, and carts, in any street, lane, or alley; for the height and position of any awning, shade, or fixture in front of or near a building; and respecting any obstruction in any street, lane, or alley, [and for smoking therein,] or in any stable or other outbuilding; and for determining the time of night at which eating-houses and restaurants shall be closed, and prohibiting the keeping open of such places on the Lord's day].

AMENDED ANALYSIS

This bill removes the prohibition against certain activities occurring on Sundays.

The bill also deletes certain regulations that police officers may make in a town regarding smoking and restaurant opening times.

Adopted.

Report adopted and ordered to third reading.

HB 518, relative to automobile insurance premium rates. **OUGHT TO PASS**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: This bill provides that consumers are treated equally when applying for auto insurance regardless of prior lapses in coverage. Vote 15-1.

Adopted and ordered to third reading.

HB 380, relative to the voting procedure at primary elections for registered members of political parties. **INEXPEDIENT TO LEGISLATE**

Rep. LeRoy S. Dube for Constitutional and Statutory Revision: The majority believes that a new party needs to the present law permitting a previously registered member of a recognized party to ask for the primary ballot of the new party. The majority also recognizes that the chances of this happening in this century are remote. Vote 13-4.

Adopted.

HB 404, relative to reporting requirements for political committees. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. C. Donald Stritch for the Majority of Constitutional and Statutory Revision: The provisions of HB 404 have been addressed in other pieces of legislation which better addresses the issue, so, the Committee feels this bill is redundant at this time. Vote 11-6.

Reps. Paula L. Philbrook and Gary R. Gilmore for the Minority of Constitutional and Statutory Revision: The minority of the committee strongly supports an amendment to this bill which would make it illegal for anyone to coerce another person into giving political contributions. The amendment was the result of consultations between the Attorney General and Secretary of State's office.

Rep. Flanagan moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate.

Adopted.

HB 430-FN-L, establishing a recall procedure for elected state and local public officials. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill authorizes recall elections in other than the first or last six months of a term for elected officials due to "no confidence". Vote 16-1.

Adopted.

HB 510, relative to certificate of election blanks and write-in votes, establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions, and the repeal of RSA 108-A. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill requires a minimum of five votes for a write-in nomination, requires the Secretary of State to issue all election blanks (certificates of election) and repeals RSA 108:A-1 through 9 (which requires listing of successors to serve in the event of incapacity due to enemy attack). Vote 16-1.

Amendment (1316B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions.

Amend the bill by replacing sections 3 and 4 with the following:

3 Deleting Forwarding Election Blanks to Municipalities. Amend RSA 659:83 to read as follows:

659:83 Certificate of Election Blanks. The secretary of state shall prepare certificate of election blanks before any state general election and shall retain the appropriate blanks for his own use [and shall forward the appropriate blanks to the clerks of towns or wards which are also state representative districts].

4 Repeal. RSA 108-A:1-9, relative to interim legislative succession, are repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the election laws by:

- (1) Requiring that a person must receive at least 5 write-in votes in order to receive the nomination of a party in a primary election.
- (2) Removing the requirement that the secretary of state shall forward certificate of election blanks to municipalities.

The bill establishes a committee to study and make recommendations concerning the changes which should be made in RSA 664 relative to the enforcement of the political expenditure and contribution statutes. The committee must complete its report and proposed legislation by November 1, 1993, for submission in the 1994 session of the general court.

The bill also repeals the provisions of RSA 108-A relative to interim legislative succession.

Adopted.

Report adopted and ordered to third reading.

HB 634, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists. RE-REFER TO COMMITTEE

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The Committee believes it is very important that the feasibility of a centralized checklist be studied and that this committee consider and study this issue. Vote 12-6.

Adopted.

HB 137-FN, lowering the level for legal intoxication under the DWI laws from .10 to .08. OUGHT TO PASS WITH AMENDMENT

Reps. C. William Johnson and Donnalee M. Lozeau for Corrections and Criminal Justice: This bill changes state law to reflect recent scientific data that clearly demonstrates that at .08 percent blood alcohol concentration everyone, regardless of size, gender or drinking habit, experiences significant impairment in driving skills. There was evidence that many are impaired at levels below .08 and some members of the committee would support a .04 threshold. Many of the dissenting committee members felt that since the law recognizes impairment at the .04 threshold, they could not support a higher BAC. However, the consensus was that setting the legal limit at .08 would contribute to highway safety without a substantial adverse effect on the restaurant and lounge industry. The amendment makes changes in the chapters on hunting and OHRVs to make them consistent with the DWI provisions of the motor vehicle laws, and incorporates a provision to recognize physical testing to determine intoxication. Vote 13-6.

Rep. Dickinson moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

(Rep. Michael Hill in the Chair)

Reps. C. William Johnson, Vivian Clark and Jasper spoke against and yielded to questions.

Reps. Burling and Guay spoke in favor and yielded to questions.

Rep. Below spoke against.

Rep. Hawkins spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 152

NAYS 219

**YEAS 152
BELKNAP**

Cain, Thomas
Lawton, David

Hawkins, Robert
Rice, Thomas, Jr.

Johnson, Carl
Turner, Robert

Laflam, Robert
Young, Niel

CARROLL

Allard, Nanci
Saunders, Howard

Chandler, Gene

Dickinson, Howard, Jr.

Philbrick, Donald

CHESHIRE

Avery, Stephen
Lynch, Margaret
Smith, Edwin

Champagne, Richard
McNamara, Wanda
Young, David

DePecol, Benjamin
Richardson, Barbara

Hunt, John
Russell, Ronald

COOS

Coulombe, Henry
Horton, Lynn
Wiswell, James

Guay, Lawrence
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie
Pratt, Leighton

GRAFTON

Copenhagen, Marion
LaMott, Paul

Driscoll, William
Larson, Nils, Jr.

Guest, Robert
Wadsworth, Karen

Ham, Bonnie
White, Paul

HILLSBOROUGH

Andrews, Frederick
Cote, David
Dodge, Emma
Dykstra, Leona
Gosselin, Gerald
Holden, Carol
Jean, Loren
Lefebvre, Roland
McRae, Karen
Packard, Bonnie
Rothhaus, Finlay

Bergeron, Lucien
Crotty, Edward
Drabinowicz, A. Theresa
Fenton, James
Greenberg, Gary
Holt, David
Johnson, Lionel
Lessard, Rudy
Milligan, Robert
Philbrook, Paula
Sallada, Roland

Bowers, Dorothy
Daigle, Robert
Drolet, Paul
Fields, Dennis
Haettenschwiler, Alphonse
Hunter, Bruce
Kelley, Robert
Lozeau, Donnalee
Morrissette, Roland
Plourde, Alphonse
Soucy, Donna

Cepaitis, Elizabeth
Desrosiers, William
Dwyer, Patricia
Gervais, Glen
Healy, Daniel
Jean, Claudette
Laughlin, J. Francis
McCann, Bonnie
Murphy, Robert
Reidy, Frank
Turgeon, Roland

MERRIMACK

Daneault, Gabriel
Owen, Derek
Trombly, Rick

Dunn, Miriam
Rogers, Katherine
Ward, Jay

Gilbreth, Robert
Stapleton, Henry
Whittemore, James

Johnson, Joyce May
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Caswell, Albert, Jr.
Dube, LeRoy
Gage, Beverly
Johnson, Bill
Newman, Rick
Pullman, Robert
Sytek, John
Williamson, William

Beaulieu, Jon
Chester, Sherman
Felch, Charles, Sr.
Hazelton, Robert
Kane, Cecelia
O'Keefe, Patricia
Raynowska, Bernard
Terninko, Margaret
Woods, Deborah

Bell, Juanita
Crossman, Harold, Jr.
Fesh, Robert
Hemenway, Thomas
McGovern, Cynthia
Packard, Sherman
Schanda, Joseph, Sr.
Vaughn, Charles

Boucher, William
Dowd, Sandra
Flanagan, Natalie
Hutchinson, Karen
McKinney, Betsy
Pantelakos, Laura
Simon, Peter
Welch, David

STRAFFORD

Brown, George
Hemon, Roland
Lundborn, Raymond
Pageotte, Donald

Brown, Julie
Hilliard, Dana
McCann, William, Jr.
Spear, Barbara

Chagnon, Ronald
Keans, Sandra
McKinley, Robert
Sullivan, Henry

Dunlap, Patricia
Kincaid, William
Merritt, Deborah
Vincent, Francis

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Burling, Peter
Rodeschin, Beverly

Lindblade, Eric
Schotanus, Merle

Palmer, Lorraine

NAYS 219**BELKNAP**

Bartlett, Gordon
Hauck, William
Smith, Linda

Campbell, Richard, Jr.
Holbrook, Robert
Ziegler, Alice

Dewhirst, Glenn
Rosen, Ralph

Golden, Paul
Salatiello, Thomas

CARROLL

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Mock, Henry

Cogswell, Richard
Wiggin, Allen

Foster, Robert
Wiggin, Gordon

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Metzger, Katherine

Burnham, Daniel
Kingsbury, H. Thayer
Pearson, Gertrude

Cole, Stacey
Manning, Joseph
Perry, David

Delano, Robert
McGuirk, Paul
Royce, H. Charles

COOS

Burns, Harold

Foss, Frederic

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Channing
Gordon, Edward
Rose, William
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Hill, Richard
Scanlan, David

Below, Clifton
Chase, Paul, Jr.
McIlwaine, Deborah
Teschner, Douglass

Brown, Alson
Croy, Elizabeth
Nordgren, Sharon
Trelfa, Richard

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bergeron, Normand
Calawa, Leon, Jr.
Daniels, Gary
Dyer, Merton
Franks, Suzan
Hanselman, Gregory
Kelley, Dana
Lachut, Ervin
McCarty, Winston
Mittelman, David
Paquette, Rodolphe
Record, Alice
Sargent, Maxwell
Toomey, Kathryn
Wheeler, Robert

Ahern, Richard
Arnold, Barbara
Borsa, Andrew
Chabot, Robert
Domaingue, Jacquelyn
Eliades, George
Gage, Ruth
Hart, Nick
Kirby, Thomas
Leclerc, Charles
McNemey, Daniel
Moncrief, Keith
Pepino, Leo
Rheault, Lillian
Searles, Stanley, Sr.
Vanderlosk, Stanley
White, John

Ahrens, Frederick
Arnold, Thomas, Jr.
Buckley, Raymond
Clemons, Jane
Donovan, Francis
Ferguson, Charles
Gagnon, Eugene
Holley, Sylvia
Kurk, Neal
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
Perkins, Paul
Riley, Frances
Smart, John
Weergang, Alida
Wright, George

Allen, W. Gordon
Bagley, Amy
Burke, M. Virginia
Cowenhoven, Garret
Durham, Susan
Foster, Linda
Hall, Betty
Jasper, Shawn
L'Heureux, Robert
Martin, Mary Ellen
Messier, Irene
Nardi, Theodora
Peters, Stanley
Rodgers, G. Philip
Smith, Leonard
Wells, Peter, Sr.

MERRIMACK

Apple, Lowell
Carter, Susan
Fillion, Paul
Holmes, Mary
Kidder, William
Nichols, Avis
Soldati, Jennifer
Yeaton, Charles

Barberia, Richard
Chandler, Earle
French, Barbara
Houlahan, Thomas
Langer, Ray
Pfaff, Terence
Wallner, Mary Jane

Braiterman, Thea
Chandler, John
Gross, Caroline
Johnson, C. William
Lockwood, Robert
Regan, Maurice
Whalley, Michael

Buessing, Marjorie
Feuerstein, Martin
Hall, Douglas
Kennedy, Richard
Moore, Carol
Shaw, Randall
Willis, Jack

ROCKINGHAM

Arndt, Janet
Christie, Andrew, Jr.
Conroy, Janet
DiPietro, Carmela
Flanders, John, Sr.
Katsakiores, George
Kruse, Fred
Miller, Don
Putnam, Ed, II
Rubin, George
Splaine, James
Syracusa, Anthony

Blake, Daniel
Clark, Martha
Cote, Charles
Dowling, Patricia
Gorman, Donald
Katsakiores, Phyllis
Lee, Rebecca
Moore, Benjamin
Richards, David
Senter, Merilyn
St. Martin, Tommy
Sytek, Donna

Bove, Martin
Clark, Vivian
Cote, Patricia
Drake, Herbert
Hurst, Sharleene
Klemarczyk, Thaddeus
Lovejoy, Marian
Noyes, Richard
Ritzo, Eugene
Skinner, Patricia
Stone, Joseph
Warburton, Calvin

Campbell, Marilyn
Coes, Betsy
Crum, William, Jr.
Flanders, David
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Pratt, Katharin
Rosencrantz, James
Smith, Arthur
Stritch, C. Donald
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Hashem, Elaine
Merrill, Amanda

Douglass, Clyde
Knowles, William
Musler, George

Gilmore, Gary
Loder, Suzanne
Nehring, William

Hambrick, Patricia
McGrath, J. Gregory
Pelletier, Arthur

Pelletier, Marsha
Torr, Ralph

Snyder, Clair
Wasson, Richard

Torr, Ann
Wheeler, Katherine

Torr, Franklin

SULLIVAN

Allison, David
Holl, Ann

Cloutier, John
Kane, Joan

Domini, Irene

Flint, Gordon

and the motion failed.

Amendment (1347B)

Amend the bill by replacing section 1 with the following:

1 Alcohol Level Lowered; Hunting. Amend RSA 214:20, II to read as follows:

II. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence of the defendant's alcohol concentration, as defined in RSA 259:3-b, as shown by a chemical analysis of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of [0.05] **0.03** or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of from [0.05 to 0.10] **0.03 to .08** is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] **.08** or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

Amend the bill by replacing section 4 with the following:

4 Alcohol Level Lowered; OHRV. Amend RSA 215-A:11-a to read as follows:

215-A:11-a Implied Consent of Operator of OHRV to Submit to Testing to Determine Alcohol Concentration. Any person who drives, operates or attempts to operate an OHRV in this state shall be deemed to have given consent to ***physical tests and examinations for the purpose of determining whether he is under the influence of intoxicating liquor or controlled drugs, and to*** a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath for the purpose of determining the controlled drug content of his blood or his alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving, operating, attempting to operate or in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of [0.10] **.08** or more. The test or tests shall be administered at the direction of a peace officer having reasonable grounds to believe the person to have been driving, operating, attempting to operate or in actual physical control of an OHRV in this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of [0.10] **.08** or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

Amend the bill by replacing section 10 with the following:

10 Alcohol Level Lowered; Motor Vehicle. Amend RSA 265:89 to read as follows:

265:89 Evidence. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82 or 265:82-a, the court may admit evidence of ***physical testing of the defendant for being under the influence of intoxicating liquor or controlled drugs as provided in RSA 265:84, and of the controlled drug content of the defendant's blood and*** the defendant's alcohol concentration, as shown by a test of his breath, blood, or urine as provided in RSA 265:84. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.03 and less

than [0.10] .08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor; but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] .08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of [0.10] .08 or more shall, in conjunction with the evidence otherwise required by RSA 265:82, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82, I(b); and evidence that there was, at the time alleged, an alcohol concentration of [0.10] .08 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265:82-a, II (a), (b) and (c), constitute a separate offense under RSA 265:82-a, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.20 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82-a, III.

Amend the bill by replacing section 15 with the following:

15 Alcohol Level Lowered; Boating. Amend RSA 270:51 to read as follows:

270:51 Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 270:48-a relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of [0.10] .08 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of more than [0.05] 0.03 and less than [0.10] .08 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of [0.05] 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

Amend the bill by replacing all after section 15 with the following:

16 Rulemaking; Physical Testing and Controlled Drugs Added. Amend RSA 265:85, V(a) to read as follows:

(a) Methods and procedures for *physical testing and examination to determine whether a person is under the influence of intoxicating liquor or controlled drugs and for the testing of blood, urine, and breath to determine the controlled drug content of a person's blood or alcohol concentration*;

17 Reference for Physical Tests Added. Amend RSA 265:92, I to read as follows:

I. If a person under arrest for any violation or misdemeanor under RSA 265 refuses upon the request of a law enforcement officer to submit *to physical tests* or to a test of *blood, urine, or breath* designated by the law enforcement officer as provided in RSA 265:84, none shall be given, but:

18 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill lowers to blood alcohol concentration for legal intoxication from .10 to .08.

This bill also expands the implied consent OHRV law to include physical tests and examinations for the purpose of determining whether a person is under the influence of intoxicating liquor or controlled drugs.

This bill is a request of the department of safety.

Adopted.

Report adopted and ordered to third reading.

Rep. Battles filed a conflict of interest and did not participate.

(Speaker Burns in the Chair)

HB 167, clarifying circumstances under which a person is justified in using deadly force.
ought to pass

Rep. C. William Johnson for Corrections and Criminal Justice: This bill amends the self-defense statute. The present statute makes no distinction between a victim who is an intruder or a co-habitant or other person privileged in the defendant's residence when evaluating whether the defendant was justified in using deadly force. The purpose of this bill is to close an unintended loophole which allows a defendant to claim he was justified in taking the life of a spouse, roommate or friend because he believed such a person was about to assault him even though he had no fear of deadly force being used against him. Vote 17-0.

Adopted and ordered to third reading.

HB 173-FN, making the police standards and training council responsible for certification of corrections officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: The bill makes the council responsible for training and certification of state corrections officers and state probation-parole officers. The amendment makes certain that the bill has no effect on anyone's eligibility or non-eligibility for group II in the retirement system. Corrections group II members other than officers will continue to be certified by the commissioner of corrections and not the Police Standards and Training Council. Vote 16-1.

Amendment (1536B)

Amend the title of the bill by replacing it with the following:

AN ACT

making the police standards and training council responsible for certification of corrections officers and redefines the term "permanent policeman" to include "state corrections officers" for purposes of the retirement system.

Amend RSA 188-F:23, IV-VI as inserted by section 2 of the bill by replacing them with the following:

IV. "State corrections officer" means any sworn classified employee of the New Hampshire department of corrections who is responsible for the physical custody and security of inmates at a state correctional institution and is authorized by law to use force to prevent escapes from such institution.

V. "State probation-parole officer" means any sworn employee of the New Hampshire department of corrections who is responsible for the supervision of probationers and parolees and who has the authority to arrest for violations of the rules of probation or parole.

Amend RSA 188-F:26, VII as inserted by section 4 of the bill by replacing it with the following:

VII. Establish, maintain, certify, or approve institutions and facilities for training police officers, *state corrections officers*, *state probation-parole officers*, and [police] recruits *for such positions* with approval of the department's board of governors.

Amend section 8 of the bill by replacing it with the following:

8 Definition Modified; Permanent Policeman. Amend RSA 100-A:1, VII by inserting after subparagraph (c) the following new subparagraph:

- (d) A state corrections officer who:
- (1) Is responsible for the physical custody and security of inmates at a state correctional facility;
 - (2) Is authorized by law to use force to prevent escapes from such facility;
 - (3) As a job requirement is fully certified as a corrections officer by the New Hampshire police standards and training council; and
 - (4) As a job requirement shall meet all the physical, mental, educational, and other qualifications for continuing certification as a corrections officer that may be established by the certifying authority.

AMENDED ANALYSIS

This bill makes the police standards and training council responsible for training and certification of corrections officers and probation-parole officers.

This bill increases the membership of the police standards and training council and authorizes the council to establish a corrections advisory committee.

This bill also increases the supervision fee for probationers and requires that a portion of the fee be deposited in the police standards and training council fund.

This bill also modifies the term "permanent policeman" to include "state corrections officers" for purposes of the New Hampshire retirement system.

Adopted.

Report adopted and referred to Executive Departments and Administration.

HB 267, establishing the crime of luring a minor. RE-REFER TO COMMITTEE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: The concerns expressed by the sponsors are valid. Questions remain on the best implementation. Re-referral is the best solution to examine a complex problem in an effort to attain a workable solution. Vote 15-2.

Adopted.

SPECIAL ORDER

Rep. Donna Sytek moved that **HB 269-FN**, extending the minimum period for driver's license revocation or suspension for drug offenses, be made a special order for March 4 as the first order of business.

Adopted.

REGULAR CALENDAR (Cont'd)

HB 476, establishing the crime of stalking. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill fills a gap in the law by making it a crime to stalk someone. The carefully tailored definition of the conduct prohibited excludes the legitimate activities of picketers, demonstrators, private investigators or even pesky reporters. The amendment tightens up the language of the bill to make it more likely to withstand constitutional challenge while at the same time giving law enforcement personnel the tools they need to intervene before stalking escalates into violence. Vote 17-0.

Amendment (1486B)

Amend the bill by replacing all after section 1 with the following:

2 New Section; Crime of Stalking Established. Amend RSA 633 by inserting after section 3 the following new section:

633:3-a Stalking.

I. As used in this section:

(a) "Intimidates" means to engage in a course of conduct directed at a specific person with the purpose of inflicting substantial emotional distress and which results in substantial emotional distress in the victim.

(b) "Course of conduct" means a pattern of conduct composed of acts on more than one occasion over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" shall not mean any constitutionally protected activity.

(c) "Explicit or implicit threat" means an act made with the intent to cause the person who is the target of the act to reasonably fear for his safety or which would cause a reasonable person to fear for his safety. The threat must be to cause death or bodily injury to a person.

(d) "Stalk" means any of the following:

(1) To follow another person from place to place on more than one occasion for no legitimate purpose with the intent to place such person in fear for his personal safety; or

(2) To appear on more than one occasion for no legitimate purpose in proximity to the residence, place of employment, or other place where another person is found with the intent to place such person in fear for his personal safety; or

(3) To follow another person from place to place on more than one occasion for no legitimate purpose under circumstances that would cause a reasonable person to fear for his personal safety; or

(4) To appear on more than one occasion for no legitimate purpose in proximity to the residence, place of employment, or other place where another person is found under circumstances that would cause a reasonable person to fear for his personal safety; or

(5) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B or RSA 458:16 or an order that prohibits the person from having contact

with specific individuals pursuant to RSA 597:1-a, III, on a single occasion and in violation of the provisions of such order to:

(A) follow another person from place to place; or

(B) appear in proximity to any other place described in the protective order or bail order.

II. A person is guilty of stalking if he:

(a) Purposely, knowingly, or recklessly stalks another person; or

(b) Purposely or knowingly intimidates another and makes an explicit or implicit threat against another.

III. For purposes of this section, a person who engages in acts which would constitute stalking after having been advised by a law enforcement officer as defined in RSA 630:1, II that his acts were in violation of this chapter, shall be presumed to have acted knowingly.

IV. In any complaint, information, or indictment brought for the enforcement of any provision of this statute, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained herein and the burden of proof of any exception, excuse, proviso, or exemption shall be upon the defendant.

V. Any law enforcement officer may arrest, without a warrant, any person that the officer has probable cause to believe has violated the provisions of this section when the offense occurred within 6 hours, regardless of whether the crime occurred in the presence of the officer. A law enforcement officer shall arrest a person when he has probable cause to believe a violation of the provisions of this section has occurred within the last 6 hours when the offense involves a violation of a protective order issued pursuant to RSA 173-B or RSA 458:16.

VI.(a) Any person convicted of a violation of this section and who has one or more prior stalking convictions in this state or another state when the second or subsequent offense occurs within 7 years following the date of the first or prior offense shall be guilty of a class B felony.

(b) In all other cases, any person who is convicted of a violation of this section shall be guilty of a class A misdemeanor.

VII. If any provision or application of this section or the application thereof to a person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this section which can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.

3 Warrantless Arrest; Exception Added. Amend RSA 594:10, I(b) to read as follows:

(b) He has probable cause to believe that the person to be arrested has within the past 6 hours committed abuse as defined in RSA 173-B:1, I against a person eligible for protection from domestic violence as defined in RSA 173-B:1, [or] has within the past 6 hours violated a temporary or permanent protective order issued under RSA 173-B *or* RSA 458:16 by committing assault, criminal trespass, criminal mischief or another criminal act, *or has within the last 6 hours violated stalking provisions under RSA 633:3-a.*

4 Effective Date. This act shall take effect 60 days after its passage.

Rep. Carl Johnson spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 488, authorizing the commissioner of corrections to recommend a prisoner to the adult parole board if the prisoner has completed certain programs or treatment. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill as amended expedites the current process by which a low risk, nonviolent offender who completes a prescribed series of programs such as boot camp, drug counseling and technical education may be recommended by the Commissioner of Corrections for early parole. The sentencing judge retains the power to object to any arrangement he or she deems inappropriate, and victims will still be able to speak at parole hearings. Increased use of this provision is the start of addressing the long-term overcrowding problem at the state prison, while still protecting the public safety. Vote 16-0.

Amendment (1577B)

Amend RSA 651:25, VI as inserted by section 1 of the bill by replacing it with the following:

VI. A low-risk, non-violent prisoner who has not served sufficient time to be eligible for parole as provided in RSA 651-A:6, I, may be released on parole notwithstanding such provision, subject to the other provisions of RSA 651-A, provided that the following requirements are met before the parole board schedules a hearing on the proposed parole:

(a) The prisoner has been sentenced to the state prison for an offense other than capital, first degree or second degree murder, attempted murder, manslaughter, aggravated felonious sexual assault, felonious sexual assault or first degree assault.

(b) The prisoner has been assigned a course of programs or treatment, has successfully completed such course, and has been found by the commissioner of corrections to be a suitable candidate for early parole;

(c) The commissioner of corrections has submitted findings and a recommendation for early parole to the parole board; and

(d) The commissioner of corrections has notified the sentencing court of the proposed parole, and the court has not objected in writing within 20 days of such notice.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: The committee felt compelled to clarify any misconceptions relative to DWI when death or serious bodily injury are involved. This bill, as amended, specifically states that the prerequisites to testing in the implied consent statute do not apply when there is death or serious bodily injury. Vote 19-0.

Amendment (1331B)

Amend the bill by replacing all after the enacting clause with the following:

1 Implied Consent Not Applicable in Motor Vehicle Fatalities. Amend RSA 265:84 to read as follows:

265:84 Implied Consent of Driver of Motor Vehicle to Submit to Testing to Determine Alcohol Concentration. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether he is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug content of his blood or his alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. *When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265:93, the prerequisites of RSA 265:87 shall not apply.*

2 Refusal to Submit to Blood Alcohol Testing. Amend the introductory paragraph of RSA 265:93 to read as follows:

265:93 Blood Testing of Certain Motor Vehicles Fatalities. When an accident results in death or serious bodily injury to any person, all drivers *involved, whether living or deceased and all deceased vehicle occupants and* pedestrians involved shall be tested for blood alcohol content. [In case of death or serious bodily injury to any driver, vehicle occupant or pedestrian,] A law

enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician to withdraw blood from *each driver involved if living and from* the body of [the] *each deceased* driver, deceased occupant or deceased pedestrian for the purpose of testing blood alcohol content; provided that in the case of a living driver the officer has probable cause to believe that the driver was under the influence of alcohol or a controlled drug when driving the vehicle. [Any person who has been arrested for a felony level offense involving driving under the influence of alcohol who knowingly refuses to submit to the test shall be guilty of a misdemeanor.] All tests made under this section shall be conducted by the division of public health services or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

HB 553, establishing a committee to study alternative sentencing. INEXPEDIENT TO LEGISLATE

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: There have been several studies of alternative sentencing in recent years, including one in 1992 by a special study committee which filed a detailed report. Further study of the subject should be by the Committee on Corrections and Criminal Justice, which did not exist when this bill was filed. Vote 15-2.

Rep. Cole spoke against.

Rep. Donna Sytek spoke in favor

Adopted.

HB 175-L, revising the distribution of sweepstakes moneys. INEXPEDIENT TO LEGISLATE

Rep. Nils H. Larson, Jr. for Education: This bill would violate the basic policy established by the Legislature that school foundation aid shall be given to the neediest districts. Vote 16-0.

Adopted.

Rep. Franks notified the Clerk that she wished to be recorded in favor of the bill.

HB 193-L, changing the school foundation aid distribution formula. OUGHT TO PASS

Rep. Nils H. Larson, Jr. for Education: This bill incorporates the results of a study conducted during 1992 into law and modifies the formula to distribute foundation aid more equitably while holding districts harmless for two years. Vote 16-0.

Rep. Larson spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the report.

YEAS 245

NAYS 115

**YEAS 245
BELKNAP**

Bartlett, Gordon
Smith, Linda

Campbell, Richard, Jr.
Young, Niel

Hawkins, Robert
Ziegler, Alice

Rice, Thomas, Jr.

CARROLL

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Mock, Henry

Dickinson, Howard, Jr.
Wiggin, Allen

Foster, Robert

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Lynch, Margaret
Pearson, Gertrude
Smith, Edwin

Bonneau, Sarah
Delano, Robert
Manning, Joseph
Perry, David

Burnham, Daniel
Hunt, John
McNamara, Wanda
Royce, H. Charles

Champagne, Richard
Kingsbury, H. Thayer
Metzger, Katherine
Russell, Ronald

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Adams, Carl
Brown, Channing
Croy, Elizabeth
Larson, Nils, Jr.
Trelfa, Richard

Bean, Pamela
Brown, Patricia
Driscoll, William
Nordgren, Sharon
Wadsworth, Karen

Below, Clifton
Chase, Paul, Jr.
Guest, Robert
Scanlan, David
Ward, Kathleen

Brown, Alson
Copenhaver, Marion
LaMott, Paul
Teschner, Douglass

GRAFTON

Ackerman, Philip
Andrews, Frederick
Bergeron, Lucien
Calawa, Leon, Jr.
Cote, David
Dodge, Emma
Durham, Susan
Foster, Linda
Gervais, Glen
Hart, Nick
Holt, Mark
Kelley, Dana
Lachut, Ervin
Martin, Mary Ellen
Mercer, Robert
Moore, Elizabeth
Perkins, Paul
Sallada, Roland
Smith, Leonard
Wheeler, Robert

Ahem, Richard
Arnold, Barbara
Borsa, Andrew
Cepaitis, Elizabeth
Cowenhoven, Garret
Donovan, Francis
Dykstra, Leona
Franks, Suzan
Greenberg, Gary
Holden, Carol
Jasper, Shawn
Kelley, Robert
Lefebvre, Roland
McCann, Bonnie
Messier, Irene
Morrissette, Roland
Rheault, Lillian
Sargent, Maxwell
Toomey, Kathryn
White, John

Allen, W. Gordon
Arnold, Thomas, Jr.
Bowers, Dorothy
Chabot, Robert
Daniels, Gary
Drabinowicz, A. Theresa
Eliades, George
Gage, Ruth
Haettenschwiller, Alphonse
Holley, Sylvia
Jean, Claudette
Kirby, Thomas
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Murphy, Robert
Riley, Frances
Searles, Stanley, Sr.
Vanderlosk, Stanley
Wright, George

Amidon, Eleanor
Bagley, Amy
Burke, M. Virginia
Clemons, Jane
Desrosiers, William
Drolet, Paul
Ferguson, Charles
Gagnon, Eugene
Hall, Betty
Holt, David
Jean, Loren
L'Heureux, Robert
Lown, Elizabeth
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Rothhaus, Finlay
Smart, John
Wells, Peter, Sr.

HILLSBOROUGH**MERRIMACK**

Apple, Lowell
Carter, Susan
Fillion, Paul
Hall, Douglas
Kennedy, Richard
Nichols, Avis
Soldati, Jennifer
Yeaton, Charles

Barberia, Richard
Chandler, Earle
French, Barbara
Hill, Michael
Kidder, William
Owen, Derek
Teague, Bert

Braiterman, Thea
Chandler, John
Gilbreth, Robert
Houlahan, Thomas
Lockwood, Robert
Pfaff, Terence
Wallner, Mary Jane

Buessing, Marjorie
Feuerstein, Martin
Gross, Caroline
Johnson, C. William
Moore, Carol
Rogers, Katherine
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Chester, Sherman
Conroy, Janet
Dowling, Patricia
Flanders, David
Hemenway, Thomas
Katsakiores, George
Lee, Rebecca
Moore, Benjamin
Pullman, Robert
Rosencrantz, James
Skinner, Patricia
Welch, David

Arndt, Janet
Bove, Martin
Clark, Martha
Cote, Patricia
Drake, Herbert
Flanders, John, Sr.
Hurst, Sharleene
Katsakiores, Phyllis
Lovejoy, Marian
Newman, Rick
Putnam, Ed, II
Schanda, Joseph, Sr.
St. Martin, Tommy
Williamson, William

Beaulieu, Jon
Campbell, Marilyn
Clark, Vivian
Crum, William, Jr.
Felch, Charles, Sr.
Gorman, Donald
Hutchinson, Karen
Klemarczyk, Thaddeus
McKinney, Betsy
O'Keefe, Patricia
Richards, David
Senter, Merilyn
Stone, Joseph
Woods, Deborah

Bell, Juanita
Caswell, Albert, Jr.
Coes, Betsy
Dowd, Sandra
Fesh, Robert
Hazelton, Robert
Johnson, Bill
Kruse, Fred
Miller, Don
Packard, Sherman
Ritzo, Eugene
Simon, Peter
Teminko, Margaret
Yennaco, Carol

STRAFFORD

Douglass, Clyde
Kincaid, William
McKinley, Robert
Nehring, William
Snyder, Clair
Wheeler, Katherine

Hambrick, Patricia
Knowles, William
Merrill, Amanda
Pageotte, Donald
Torr, Ann

Hashem, Elaine
Loder, Suzanne
Merritt, Deborah
Pelletier, Arthur
Torr, Franklin

Hemon, Roland
McCann, William, Jr.
Musler, George
Pelletier, Marsha
Vincent, Francis

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Domini, Irene
Stamatakis, Carol

Lindblade, Eric

Peyron, Fredrik

NAYS 115**BELKNAP**

Cain, Thomas
Holbrook, Robert
Rosen, Ralph

Dewhirst, Glenn
Johnson, Carl
Salatiello, Thomas

Golden, Paul
Lafam, Robert
Turner, Robert

Hauck, William
Lawton, David

CARROLL

Allard, Nanci
Saunders, Howard

Beach, Mildred
Wiggin, Gordon

Bradley, Jeb

Philbrick, Donald

CHESHIRE

Cole, Stacey

McGuirk, Paul

Richardson, Barbara

Coulombe, Henry
Mears, Edgar

Harwell, Tyler
Pratt, Leighton

Hawkinson, Marie
Wiswell, James

Mayhew, Josephine

GRAFTON

Gordon, Edward
Rose, William

Ham, Bonnie

Hill, Richard

McIlwaine, Deborah

HILLSBOROUGH

Ahrens, Frederick
Domaingue, Jacquelyn
Gosselin, Gerald
Johnson, Lionel
Lozeau, Donnalee
Paquette, Rodolphe
Plourde, Alphonse
Soucy, Donna

Buckley, Raymond
Dwyer, Patricia
Hanselman, Gregory
Kurk, Neal
McNerney, Daniel
Pepino, Leo
Record, Alice
Turgeon, Roland

Crotty, Edward
Fenton, James
Healy, Daniel
Laughlin, J. Francis
Mittelman, David
Peters, Stanley
Reidy, Frank

Daigle, Robert
Fields, Dennis
Hunter, Bruce
Leclerc, Charles
Nardi, Theodora
Philbrook, Paula
Rodgers, G. Philip

MERRIMACK

Daneault, Gabriel
Regan, Maurice
Ward, Jay

Holmes, Mary
Shaw, Randall
Willis, Jack

Johnson, Joyce May
Stapleton, Henry

Langer, Ray
Trombly, Rick

ROCKINGHAM

Battles, Marjorie
Dube, LeRoy
Klemm, Arthur, Jr.
Pantelakos, Laura
Smith, Arthur
Sytek, John

Blake, Daniel
Gage, Beverly
Malcolm, Kenneth
Pratt, Katharin
Splaine, James
Vaughn, Charles

Cote, Charles
Johnson, Robert
McGovern, Cynthia
Raynowska, Bernard
Syracusa, Anthony
Warburton, Calvin

Crossman, Harold, Jr.
Kane, Cecelia
Noyes, Richard
Rubin, George
Sytek, Donna

STRAFFORD

Brown, George
Dunlap, Patricia

Brown, Julie
Hilliard, Dana

Callaghan, Frank
Keans, Sandra

Chagnon, Ronald
Lundborn, Raymond

McGrath, J. Gregory
Wasson, Richard

Spear, Barbara

Sullivan, Henry

Torr, Ralph

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon

and the report was adopted.

Referred to Appropriations.

Reps. Record and Rosen notified the Clerk that they voted nay and intended to vote yea.

REMARKS

Rep. DePecol moved that the remarks of Rep. Larson be printed in the Journal.

Adopted.

Rep. Larson: Thank you, Mr. Speaker. In the 1992 session a subcommittee was formed to look into problems that exist with the Augenblick formula. The report of that committee and a number of special sessions and informative series of lectures were held during the beginning of this session in which we explained some of the changes that we had made to the Augenblick formula, or at least recommended. They are primarily in three areas. Number one: We have recommended a change be made in the effort factor, the determination of how much effort in each town goes towards the schools. In doing that, we have eliminated what we think is the weakest part of the existing part of the Augenblick formula; that is, the reliance on census figures for per capita income. Under the current formula those figures are counted twice. It is our intent in this bill to eliminate that second counting.

We also have found in the process of dealing with the Augenblick formula that there is an excessive volatility. A lot of money received one year and lost the next year makes the budgeting process relatively impossible. We have recommended there be a three-year moving average, so that we will establish a more even flow of money distribution year to year and a better opportunity for good budgeting.

In consequence of these two changes and some others which are minor, if the amount of money which is distributed through the Augenblick formula, since it will now be changed slightly from town to town, is not increased - if the total is not increased - and we change the formula then some towns will receive less money than they did previously and other towns more. We believe that that will be onerous for the local taxpayers in these towns and consequently have recommended that there be a "hold-harmless" provision for two years costing about \$7.5 million. No town will receive less money than it received in 1993 or is entitled to under the new formula should it be put into law for 1994 and 1995.

I want to explain what that means. If you look in your seatpocket you will find a printout like this. At the very top it says House Bill 193 presented by Rep. Nils Larson. The first column says Fiscal Year '93 Aid. That is the aid that was received by the towns listed down the left-hand side in Fiscal Year 1993. That is the base year which we used for the hold-harmless. The next column is entitled Current Formula Fiscal Year '94. That, by town, is the amount of money which you will receive this year under the existing formula. The next column to the right is New Formula Fiscal Year '94 and that is the amount of money which you will receive if the formula is changed. Comparisons between what you are to receive today and what you will receive under a new formula which we recommend are the comparisons between the second and third column. For instance, if you look at the bottom of the second group in the town of Ashland, in 1993 fiscal year received \$104,000. Because of the changes in that town, the formula as it currently exists means that this year Ashland will receive \$72,000. Because of the changes that we recommend in the formula, if it is adopted, Ashland will receive \$99,000.

Under no circumstances, if the hold-harmless provision be enacted, will any town receive less money than it received in 1993, column one, or which it is entitled to under the new formula in 1994, column three.

What we present to you today are the recommendations for changes none of which would I recommend be instituted if the hold-harmless cannot be funded by Appropriations. What is before us today is the vote to send this bill to Appropriations to see if they can provide the funds for the hold-harmless portion of this legislation. If they cannot and if they send it back to us

unfunded I will be the first to stand here and recommend that we say this bill should be inexpedient. It will be unfair to change the formula without holding harmless those people who will in fact suffer some. I would be happy to answer any questions.

Rep. Channing Brown: Thank you, Mr. Speaker. Rep. Larson, I appreciate the fact that you would like to send this to us to find out if we have \$7 million. I think you will find out tomorrow when you receive House Bill 1, which is the budget bill, that our chances of giving you \$7 million are probably better than me losing 60 pounds in the next 60 days.

I would just like to ask you this question. Why can't you change the bill. Instead of 1994 taking effect, make it 1995. In that way, you wouldn't have a hold-harmless year of 1994.

Rep. Larson: May I say that I would hope you will not waste away with those 60 pounds, but I am somewhat chagrined that you told me before hand that you would be happy to take this back and now have indicated editorially that you wouldn't.

Rep. Channing Brown: I would be very happy to take the bill back, but I am sort of curious rather than have a hold-harmless year and spend an extra \$7 million or try and raise it. If the one-year change is a problem, why not put it in the bill that you would extend it one more year and in 1995 have the formula changed?

Rep. Larson: Primarily because of the fact that the formula is not working at the present time. We have one town which in the last year received more money than it spent on its schools. Over the years, since the implementation of this formula we have been giving out somewhere between \$32 million and \$47 million and at the same time recognizing that the foundation formula was not working properly and had been unwilling to spend \$25,000 to fix it. We got that money last year. We feel it is imperative to get started. There are some gross distortions in the formula and they should be addressed.

Rep. Vivian Clark: Rep. Larson, my question is actually sort of twofold. When you are talking about hold-harmless, are you talking about funding next year the fourth column or the fifth column?

Rep. Larson: The fourth column is the actual number of dollars required to hold-harmless. What you will receive is the amount that is in the far right-hand column which says new formula aid with hold-harmless and that is the higher of the two for fiscal '93 or the new formula figure.

Rep. Vivian Clark: My point is that a number of towns would be receiving more money under the new formula and I wonder if the \$7 million would be substantially reduced if they received either what they had been receiving in 1993 or the new formula, whichever is the lower of the two so that effectively nobody would lose under the new formula but you might not necessarily gain.

Rep. Larson: When we institute the changes, you shift some of the money. The shift, we believe, reflects a more accurate evaluation of the essence of the formula. So, some of the towns will receive more money because that is a more accurate assessment of where they should be. What we are trying to do is not hold money from that accurate assessment. We are trying to benefit those who may in the past have not been properly assessed or have received higher amounts; and we are holding that amount which they received since they have budgeted for it for a period of two years which allows them to make the necessary adjustments and not lose money immediately.

Rep. Vivian Clark: I should point out that I am from a town that would benefit from this deal. My question specifically is that my town, for instance, is currently getting \$44,000 under this in 1993. Under the current formula, we would only get \$24,000 and under the revised formula we would get \$116,000. Now, while I would be delighted to get \$116,000, I would actually be quite pleased just to get the \$44,000 again. Therefore, I think we might be able to reduce the cost to us if we keep it so that towns would benefit under the new formula, we're getting something, even if it not be the amount that the new formula would grant them.

Rep. Larson: I see your point. If the people of your town would be happy to give back the some \$60,000 they would receive I'm sure that Rep. Brown would be happy to take it and use it for some other purpose.

Rep. Avery: With the generous gift that has just been given back, and since my hometown of Dublin doesn't get any money on it, would you sort of slide some our way, please.

Rep. Larson: I can't do that, but you can. Our first recommendation as our study has been concerned is that this fund has never been properly funded. That is a function of this body and if you

choose to fund it properly and fully fund it, then every town in the state of New Hampshire will receive some money.

Rep. Shaw: Have the school districts in our state already been informed that they will be receiving the funds indicated in the current formula 1994 column?

Rep. Larson: They have received preliminary estimates. They have probably based their budgets on them.

Rep. Keans: These numbers are different from the ones I've been looking at for a couple of weeks, which indicated we were going to lose \$1 million per year. I'm confused. Rep. Brown was speaking to a one-year hold-harmless. The bill, in fact, calls for a two-year hold-harmless. Is that not correct?

Rep. Larson: That is correct. For the two years, the amount that you will receive — should it be funded — is the larger of fiscal 1993 aid, column one, or the new formula fiscal year 1994 which is column three and the new formula which is fiscal year 1995 which is not listed here but will have to be computed.

REGULAR CALENDAR (Cont'd.)

HB 251-L, to redistribute sweepstake funds. **INEXPEDIENT TO LEGISLATE**

Rep. Nils H. Larson, Jr. for Education: This bill would violate the basic policy established by the Legislature that school foundation aid shall be given to the neediest districts. Vote 16-0.

Adopted.

HB 532-FN-L, to redistribute foundation aid funds. **INEXPEDIENT TO LEGISLATE**

Rep. Nils H. Larson, Jr. for Education: This bill distributes foundation funds, already underfunded, into areas other than public education. Vote 16-0.

Adopted.

HB 599-FN-L, allowing school districts to contract with selected secular schools for the education of the district's children, and granting school districts an option to implement an education voucher program. **RE-REFER TO COMMITTEE**

Rep. Richard L. Champagne for Education: The whole issue of school vouchers needs to be studied. Re-referral serves this purpose. Vote 8-7.

Rep. Skinner spoke in favor.

Adopted.

HB 646-FN, relative to relaying information on budgetary matters to parents of school children. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nils H. Larson, Jr. for the Majority of Education: This bill is a violation of the First Amendment and should be a local control effort for resolution. Vote 10-5.

Reps. William E. Williamson, Robert E. McKinley, Marjorie B. Buessing, Stanley N. Searles, Sr. and Patricia M. Skinner for the Minority of Education: This bill addresses a practice which testimony has shown to be widespread throughout the State, which is detrimental to school children, especially in the elementary grades, and which, for whatever reason, is not being adequately addressed on the local level. There does not appear to be a First Amendment issue since it does not attempt to limit what anyone may say, only the use of school children as messengers.

Rep. Searles moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. John White and Larson spoke against.

Reps. Williamson and Burke spoke in favor.

Reps. Domaingue and Kennedy spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 166

NAYS 201

YEAS 166 BELKNAP

Bartlett, Gordon
Johnson, Carl
Rosen, Ralph

Cain, Thomas
Lafam, Robert
Turner, Robert

Campbell, Richard, Jr.
Lawton, David
Young, Niel

Dewhirst, Glenn
Rice, Thomas, Jr.
Ziegler, Alice

CARROLL

Allard, Nanci
Mock, Henry

Cogswell, Richard
Wiggin, Allen

Dickinson, Howard, Jr.
Wiggin, Gordon

Foster, Robert

CHESHIRE

Cole, Stacey
Richardson, Barbara

Delano, Robert
Young, David

Hunt, John

Manning, Joseph

COOS

Guay, Lawrence

Mears, Edgar

GRAFTON

Brown, Channing
Rose, William

Chase, Paul, Jr.
Ward, Kathleen

Gordon, Edward

Hill, Richard

HILLSBOROUGH

Ahrens, Frederick
Borsa, Andrew
Calawa, Leon, Jr.
Domaingue, Jacquelyn
Dykstra, Leona
Gage, Ruth
Hunter, Bruce
L'Heureux, Robert
McNerney, Daniel
Moncrief, Keith
Paquette, Rodolphe
Reidy, Frank
Rothhaus, Finlay
Weergang, Alida

Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Donovan, Francis
Eliades, George
Gagnon, Eugene
Jasper, Shawn
Lachut, Ervin
McRae, Karen
Moore, Elizabeth
Pepino, Leo
Rheault, Lillian
Sargent, Maxwell
Wells, Peter, Sr.

Arnold, Barbara
Buckley, Raymond
Daniels, Gary
Drabinowicz, A. Theresa
Fenton, James
Holley, Sylvia
Jean, Loren
Lefebvre, Roland
Mercer, Robert
Murphy, Robert
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Wheeler, Robert

Arnold, Thomas, Jr.
Burke, M. Virginia
Desrosiers, William
Dyer, Merton
Ferguson, Charles
Holt, Mark
Kurk, Neal
Lessard, Rudy
Mittelman, David
Packard, Bonnie
Record, Alice
Rodgers, G. Phillip
Vanderlosk, Stanley
Wright, George

MERRIMACK

Apple, Lowell
Houlihan, Thomas
Nichols, Avis

Barberia, Richard
Kennedy, Richard
Pfaff, Terence

Buessing, Marjorie
Langer, Ray
Stapleton, Henry

Gross, Caroline
Moore, Carol
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Bove, Martin
Cote, Charles
Dowling, Patricia
Flanagan, Natalie
Hazelton, Robert
Katsakiores, George
Lovejoy, Marian
Moore, Benjamin
Pratt, Katharin
Senter, Merilyn
Syracusa, Anthony
Williamson, William

Battles, Marjorie
Campbell, Marilyn
Cote, Patricia
Drake, Herbert
Flanders, David
Hemenway, Thomas
Katsakiores, Phyllis
Malcolm, Kenneth
Newman, Rick
Putnam, Ed, II
Skinner, Patricia
Sytek, Donna
Woods, Deborah

Beaulieu, Jon
Chester, Sherman
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Hurst, Sharleene
Klemm, Arthur, Jr.
McKinney, Betsy
Noyes, Richard
Ritzo, Eugene
Smith, Arthur
Warburton, Calvin

Blake, Daniel
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Gorman, Donald
Hutchinson, Karen
Lee, Rebecca
Miller, Don
Packard, Sherman
Rubin, George
Stone, Joseph
Welch, David

STRAFFORD

Brown, Julie
Musler, George
Torr, Ann

Douglass, Clyde
Nehring, William
Torr, Franklin

Knowles, William
Pageotte, Donald
Torr, Ralph

McKinley, Robert
Spear, Barbara
Vincent, Francis

SULLIVAN

Lindblade, Eric

Peyron, Fredrik

Rodeschin, Beverly

**NAYS 201
BELKNAP**

Golden, Paul
Salatiello, Thomas

Hauck, William
Smith, Linda

Hawkins, Robert

Holbrook, Robert

CARROLL

Beach, Mildred
Philbrick, Donald

Bradley, Jeb
Saunders, Howard

Chandler, Gene

Lyman, L. Randy

CHESHIRE

Avery, Stephen
DePecol, Benjamin
McGuirk, Paul
Perry, David

Bonneau, Sarah
Foster, Katherine
McNamara, Wanda
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Metzger, Katherine
Smith, Edwin

Champagne, Richard
Lynch, Margaret
Pearson, Gertrude

COOS

Coulombe, Henry
Horton, Lynn
Wiswell, James

Foss, Frederic
Mayhew, Josephine

Harwell, Tyler
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Patricia
Guest, Robert
Nordgren, Sharon

Bean, Pamela
Copenhaver, Marion
Ham, Bonnie
Scanlan, David

Below, Clifton
Croy, Elizabeth
Larson, Nils, Jr.
Teschner, Douglass

Brown, Alson
Driscoll, William
McIlwaine, Deborah
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Bagley, Amy
Clemons, Jane
Daigle, Robert
Dwyer, Patricia
Gervais, Glen
Hall, Betty
Holden, Carol
Kelley, Dana
Leclerc, Charles
McCann, Bonnie
Morrissette, Roland
Plourde, Alphonse
Toomey, Kathryn

Ahern, Richard
Bergeron, Lucien
Cote, David
Dodge, Emma
Fields, Dennis
Gosselin, Gerald
Hanselman, Gregory
Holt, David
Kelley, Robert
Lown, Elizabeth
McCarty, Winston
Nardi, Theodora
Smart, John
Turgeon, Roland

Allen, W. Gordon
Bergeron, Normand
Cowenhoven, Garret
Drolet, Paul
Foster, Linda
Greenberg, Gary
Hart, Nick
Jean, Claudette
Kirby, Thomas
Lozeau, Donnalee
Messier, Irene
Peters, Stanley
Smith, Leonard
White, John

Amidon, Eleanor
Cepaitis, Elizabeth
Crotty, Edward
Durham, Susan
Franks, Suzan
Haettenschwiller, Alphonse
Healy, Daniel
Johnson, Lionel
Laughlin, J. Francis
Martin, Mary Ellen
Milligan, Robert
Philbrook, Paula
Soucy, Donna

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Holmes, Mary
Lockwood, Robert
Shaw, Randall
Wallner, Mary Jane

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Johnson, C. William
Owen, Derek
Soldati, Jennifer
Whittemore, James

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Johnson, Joyce May
Regan, Maurice
Teague, Bert
Willis, Jack

Chandler, John
Fillion, Paul
Hill, Michael
Kidder, William
Rogers, Katherine
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Johnson, Bill
Kruse, Fred
Raynowska, Bernard
Simon, Peter
Sytek, John

Bell, Juanita
Clark, Martha
Crum, William, Jr.
Johnson, Robert
McGovern, Cynthia
Richards, David
Splaine, James
Terminko, Margaret

Boucher, William
Clark, Vivian
Felch, Charles, Sr.
Kane, Cecelia
O'Keefe, Patricia
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles

Caswell, Albert, Jr.
Coes, Betsy
Gage, Beverly
Klemarczyk, Thaddeus
Pantelakos, Laura
Schanda, Joseph, Sr.
Stritch, C. Donald
Yennaco, Carol

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Dunlap, Patricia
Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine	Hemon, Roland
Hilliard, Dana	Keans, Sandra	Kincaid, William	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda
Merritt, Deborah	Pelletier, Arthur	Pelletier, Marsha	Snyder, Clair
Sullivan, Henry	Wasson, Richard	Wheeler, Katherine	

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Domini, Irene	Flint, Gordon	Holl, Ann	Kane, Joan
Palmer, Lorraine	Schotanus, Merle	Stamatakis, Carol	

and the motion failed.

Majority report adopted.

Rep. Record notified the Clerk that she voted yea and intended to vote nay.

HB 134, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betty B. Hall for Environment and Agriculture: This bill as amended changes "inspectors" to "investigators" and further defines the sale of wood by referencing the National Institute of Standards and Technology Handbook 130, unless sold by written agreement by a willing buyer and willing seller. Vote 17-0.

Rep. Betty Hall moved Recommit to Committee.

Adopted.

HB 140-FN-A, requiring a study of economic incentives and technological opportunities for encouraging waste reduction and recycling and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Amanda A. Merrill for Environment and Agriculture: HB 140, as amended, establishes a task force to investigate ways of developing markets for recyclable materials in the state. The economic and environmental impact of industries associated with source reduction, recycling, and composting shall be reviewed. If deemed appropriate, methods for attracting such industries to New Hampshire shall be recommended. Vote 15-0.

Amendment (1373B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling.

Amend the bill by replacing all after the enacting clause with the following:

1 Task Force Established.

I. The general court recognizes that:

(a) In 1990 the general court enacted a statute, RSA 149-M:1-a, to encourage source reduction and recycling within a preferred order of waste management methods, which is:

- (1) Source reduction;
- (2) Recycling and reuse;
- (3) Composting;
- (4) Waste-to-energy technologies, including incineration;
- (5) Incineration without resource recovery; and
- (6) Landfilling.

(b) The statute further established the goal of reducing the weight of the state's solid waste stream by 40 percent by the year 2000 through source reduction, recycling and reuse, and composting, or any combination of such methods.

(c) These policies and goals demand renewed commitment as the state confronts increasing challenges with waste management.

(d) State and local governments and the businesses and industries within the state have initiated plans and programs for fulfilling the policy goals.

(e) A significant portion of the waste stream remains to be reduced or recycled.

(f) The economy of the state will be strengthened by the reduction of waste and by an increase in reuse and recycling activities.

II. There is established a task force to study the economic incentives and technological opportunities that could assist state and local governments and businesses and industries within the state in their efforts to advance waste reduction and the recycling and reuse of materials, to recommend strategies to increase investment in industries associated with source reduction, recycling, and composting, and to actively attract processors and end use markets for recycled materials to locate in New Hampshire. The task force shall be comprised of the following members:

(a) A member of the house environment and agriculture committee, appointed by the speaker of the house.

(b) A member of the senate environment committee, appointed by the senate president.

(c) The recycling coordinator division of waste management, department of environmental services

(d) A member representing the office of business and industrial development, department of resources and economic development, appointed by the commissioner of the department.

(e) A representative of the university system of New Hampshire conversant in recycling and associated resource economics and development issues, to be recommended by the house agriculture and environment committee and the senate environment committee, and appointed by the governor.

(f) A representative of the Sierra Club, New Hampshire State Council, to be appointed by the council.

(g) A member conversant in local economic development issues and interests. This person shall be nominated by the initial members of the task force, and appointed by the governor.

(h) A member representing the New Hampshire Business and Industry Association, to be appointed by the association.

(i) The coordinator of the governor's recycling program.

(j) The executive director of the New Hampshire Resource Recovery Association, or designee.

(k) A member representing New Hampshire the Beautiful, appointed by that organization.

III. The member appointed from the house environment and agriculture committee shall call the first meeting within 30 days of the effective date of this act.

2 Task Force Duties. The task force shall study the impacts and benefits that may be associated with the location of additional industries in New Hampshire, the products or services of which support the state's source reduction and recycling goals, assess economic and other incentives that have been enacted in other states to support such industries, and develop a recommended course of action involving state and local governments and businesses and industries within the state in order to promote the preferred order of waste management methods and the waste reduction goals set by the general court. Specifically, the task force study shall address:

I. The materials which pose particular problems for source reduction efforts and commercial and municipal recycling programs in New Hampshire, which might be alleviated by the development or increase in size of local markets.

II. The nature of the industries that process recycled commodities and manufacture products with recycled content, and industries, the products or services of which promote source reduction, including, for example, raw material and other inputs, labor requirements, typical plant size, environmental impacts, current geographical distribution, and other factors which may affect the feasibility and desirability of such businesses' location in New Hampshire. This and subsequent analysis shall focus on the problem commodities identified pursuant to paragraph I.

III. The economic and environmental impacts, costs, and benefits which may be associated with location of additional industries in New Hampshire, the products or services of which sup-

port the state's source reduction and recycling goals. Economic impacts shall include, but not be limited to, employment impacts, value added to the New Hampshire economy, and impacts on local markets and prices for recycled commodities. Environmental impacts shall include, but not be limited to, discharges to air and water, solid and hazardous residuals, and impact on statewide requirements for solid waste disposal.

IV. Regulatory, institutional, economic, and other barriers to the growth of markets for recycled commodities and the location of additional industries in New Hampshire, the products or services of which support the state's source reduction and recycling goals.

V. Economic incentives which have been established by other states in the region and elsewhere to support the establishment and growth of recycled products industries.

VI. The development of a recommended course of action, including, at a minimum:

(a) The actions that might be taken by agencies and organizations that are concerned with economic development, including, but not limited to: the office of the governor, the business finance authority, the department of resources and economic development, and the university system of New Hampshire, office of economic incentives, cooperative extension service, and small business development center. This analysis shall also identify any enabling actions required on the part of the legislature, executive branch, or other bodies to implement possible recommended actions.

(b) Identification of industries to be attracted to the state to address identified problem areas in source reduction, recycling, and composting. Such industries may include processors of recycled raw materials, finished product manufacturers that use recycled materials as inputs, and industries whose products or services promote source reduction.

(c) Goals for attracting firms within identified industries to locate in the state.

(d) An action plan for implementing strategies to increase investment in source reduction, recycling, composting, and related activities in New Hampshire, including identification of specific steps or incentives, including funding sources, that are considered critical to the success of these strategies.

3 Mileage. Members of the committee shall receive no compensation, except that legislative members shall receive mileage at the legislative rate.

4 Interim Reports.

I. The task force shall submit to the house environment and agriculture committee and the senate environment committee the following reports no later than 90 days after the effective date of this act:

(a) An interim report on industries and economic incentives developed under paragraphs I-V of section 2 of this act.

(b) A report on the recommended course of action developed pursuant to paragraph VI of section 2 of this act.

II. The committees shall submit to the task force written comments relative to the interim reports no later than 30 days after receiving the interim reports.

5 Final Report. The task force shall submit a final report including recommendations for legislation to the speaker of the house, the house environment and agriculture committee, the senate president, the senate environment committee, and other individuals and organizations specified by these committees within 90 days of receipt of the committees' comments on the interim report.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling.

Adopted.

Report adopted and ordered to third reading.

HB 603-FN-L, relative to energy efficiency in state facilities. OUGHT TO PASS

Rep. Raymond A. Lundborn for Executive Departments and Administration: This bill has been reported out favorably after many months of study. It establishes an interagency energy efficiency committee, that will set procedures for state agencies to follow when entering into an

energy performance contract. The performance contract should require the contractor to include all energy efficiency improvements which would recover all costs within seven years at existing energy prices. Vote 9-1.

Adopted and ordered to third reading.

HB 677, relative to the term of office for commissioners of state departments. RE-REFER TO COMMITTEE

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation deals with the re-organization of the executive branch, where the current law calls for the "cabinet" form of government. It is the committee's intent to revise that which has been done and whatever needs adjusting or updating. Vote 8-2.

Adopted.

HB 427-FN, relative to cost-of-living increases in the AFDC standard of need. OUGHT TO PASS WITH AMENDMENT

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: This bill clarifies the payment standards as defined in the HB 1269 (1992) and the standard of need, except for shelter. These will be annually revised to reflect the cost of the basic necessities of living with decency and health. The Fiscal Note calls for state expenditures of \$2,405,659 in FY 1994 and each year thereafter. There will be no impact on state revenues nor on county or local revenues or expenditures. Vote 15-0.

Amendment (15 53B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the cost of living increases in the AFDC payment standard.

Amend the bill by replacing all after the enacting clause with the following:

1 Annual Cost of Living Increase in Payment Standard Linked to Increase in the Standard of Need. Amend RSA 167:7, II to read as follows:

II. The director of the division of human services of the department of health and human services shall establish for the aid to families with dependent children *program* consolidated standards of need, or consolidated standards of need except for shelter, which may be separate from the payment standards and which shall be annually revised to accurately reflect the current cost of *the* basic necessities of living compatible with decency and health as determined by reliable market data. The director [may] shall further establish consolidated standards of payment, or consolidated standards of payment except for shelter[, subject to appropriated funds and applicable federal regulations] *which shall be annually increased as necessary to equal the amount of the annual increase in the corresponding standard of need.*

2 Implementation. The first annual cost of living increase in the AFDC payment standard as provided in this act shall be implemented in August, 1993, and shall reflect the annual increase in the standard of need for the period of August, 1992 through July, 1993.

3 Effective Date. This act shall take effect August 1, 1993.

AMENDED ANALYSIS

This bill requires the director of the division of human services to increase the AFDC payment standard by an amount equal to the annual increase in the AFDC standard of need.

Adopted.

Rep. Kurk spoke against.

Rep. Amidon spoke in favor.

Roll call request not sufficiently seconded.

On a division vote, 240 members having voted in the affirmative and 101 in the negative, the amended committee report was adopted.

Referred to Appropriations.

HB 451-FN, regulating naturopathic health care practice. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Katherine Wells Wheeler for the Majority of Health, Human Services and Elderly Affairs: The committee is in general agreement that naturopathic physicians provide a valuable service and are the primary care health professionals of choice for many people in New Hampshire. The committee also agrees that the licensure of naturopathic physicians is the way to protect consumers. The majority finds that the training of naturopathic physicians does, indeed, qualify them to be licensed as "naturopathic physicians." They are trained as primary care general practitioners and choose to use natural therapies to stimulate the body to heal instead of using drugs and surgery. "Doctor" is an academic title giving no indication of medical training, whereas "naturopathic physician" describes the degree and the license given in all the states in which they are licensed. The Fiscal Note calls for state expenditures of \$3,672 in FY 1994 and \$3,955 in FY 1995 and each year thereafter. The Department of Public Health Services has determined this bill will increase state revenue by \$4,767 in FY 1994 and FY 1995 and by \$4,944 in FY 1996 and FY 1997. Vote 9-6.

Rep. Alice S. Ziegler for the Minority of Health, Human Services and Elderly Affairs: This bill is the result of interim study. The minority believes this bill, as written, raises consumer protection concerns. We feel that the references to naturopaths as physicians will be misleading and prefer the use of naturopathic doctor.

Amendment (1105B)

Amend RSA 328-E:15 as inserted by section 1 of the bill by replacing it with the following:

328-E:15 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Exception From Regulation by Board of Registration in Medicine. Amend RSA 329:21 by inserting after paragraph XIV the following new paragraph:

XV. To such naturopathic physicians as are approved and licensed by the board of naturopathic examiners under RSA 328-E.

AMENDED ANALYSIS

This bill provides for the licensure of naturopathic physicians and:

- (a) Delineates licensing and licensing renewal criteria.
- (b) Sets forth the scope of practice.
- (c) Establishes the naturopathic board of examiners.
- (d) Sets forth the powers and duties of the board, including rulemaking authority.
- (e) Provides for the certification of naturopathic childbirth and acupuncture.
- (f) Provides for enforcement and penalties under the chapter.
- (g) Excepts naturopathic physicians from regulation by the board of registration in medicine.

Adopted.

Report adopted and referred to Executive Departments and Administration.

HB 453-FN, relative to delays in processing applications for state public assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs: The committee feels that HB 453-FN should remain alive. It arose from an interim study bill viable through this biennium. During the past few years, due to the bad economy, case loads increased dramatically and resulted in lengthy delays in processing applications for categorical aid severely impacting local welfare costs under RSA. 165. The Division of Human Services, through increased staffing this past year, has made remarkable progress in decreasing the time lag. We feel that passing HB 453 to Appropriations will be the needed incentive for the state to work towards eliminating all delays. Vote 13-3.

Amendment (1465B)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 1994.

Adopted.

Report adopted and referred to Appropriations.

HB 458-FN-L, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily. RE-REFER TO COMMITTEE

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: The committee was sympathetic with the need to help cities and towns to limit costs that are based on unwise public policy or are unnecessary. However, there are problems with the bill as drafted. The committee received information about an alternative plan to assist cities and towns in meeting the cost of local welfare by taking advantage of federal matching funds available through the emergency assistance program under Title IV of the Social Security Act. This plan would be revenue and cost neutral to the state and should reduce local welfare costs considerably (5-15 percent or more). Because of time constraints, the committee voted to re-refer and appoint a subcommittee to address the issue in a responsible fashion. Vote 13-1.

Adopted.

HB 487, relative to recapturing funds expended on medicaid recipients. INEXPEDIENT TO LEGISLATE

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: The committee was sympathetic with the concerns the sponsor wished to address with this bill. Unfortunately, the problem is created by federal law and rules and cannot be dealt with by this legislation. Vote 17-0.

Adopted.

HB 635-FN, relative to social security cost-of-living increases to certain recipients of assistance. RE-REFER TO COMMITTEE

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: HB 635-FN requires that Social Security cost-of-living increases to recipients of assistance at residential care facilities or community residences be paid directly to such a facility. The policy was understood by the committee, but the mechanism for achieving it is complex enough to require further study. Vote 14-3.

Adopted.

HB 643-FN-L, relative to lead poisoning prevention reduction and control. INEXPEDIENT TO LEGISLATE

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: The Committee believes that SB 231 better addresses the public health concerns around lead poisoning. The director of the Division of Public Health Services opposed this bill saying that it would duplicate his administrative oversight and that the concept of encapsulation of lead surfaces is incorporated in SB 231. Vote 13-0.

Adopted.

HB 653, relative to the practice of optometry. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.

Rep. Maxwell D. Sargent for the Majority of Health, Human Services and Elderly Affairs: The bill expands the scope of practice of optometrists to use therapeutic pharmaceutical agents and repeals the joint formulary board. The subcommittee cited the success in 32 other states which allow this. The elimination of the formulary board puts optometrists on par with dentists, podiatrists, osteopaths, etc. Availability of treatment and cost savings also would be enhanced. The amendment adds the Board of Registration in Optometry in the RSA. 318 (Board of Pharmacy). Vote 10-5.

Rep. Katherine D. Foster for the Minority of Health, Human Services and Elderly Affairs: HB 653, as amended, provides for one of the most liberal optometric scope of practice laws in the country. Current law allows optometrists to use drugs for diagnostic purposes. There is also a joint formulary board for oversight of drugs (two optometrists, two physicians, one pharmacist, one pharmacologist and one dentist). HB 653 eliminates the formulary board and will allow optometrists to treat all diseases of the eye with absolutely no restrictions on drug use; allowing for topical, oral and intravenous drugs. It also allows for use of lasers for diagnostic purposes. The minority of the committee believes that HB 653 is a major change in health policy that deserves careful consideration in order to maintain safe, quality eye care for New Hampshire citizens. We believe that an optometrist's education and training does not support a scope of practice as liberal as what is proposed in HB 653, therefore we support "re-referral." Vote 11-4.

Amendment (1537B)

Amend the bill by replacing all after the enacting clause with the following:

1 Board of Registration in Optometry Added. Amend RSA 318:9-a to read as follows:

318:9-a Payment for Inspectional Services. For the purpose of providing inspectional services under this chapter and RSA 318-B:25, the pharmacy board shall enter into separate agreements with the board of registration in medicine, the board of veterinary medicine, the board of podiatry, *the board of registration in optometry*, and the board of dental examiners, providing for each such board to compensate the pharmacy board for such inspectional services. The agreements shall provide for payment based upon a per capita charge for each person registered with each such board as a percentage of the total number of persons subject to inspection under this chapter and RSA 318-B:25. The fees received from agreements under this section shall be deposited with the treasurer as restricted revenue by the pharmacy board, and shall be included in the computation of fees to be established for the following fiscal year.

2 Optometrists Added. Amend RSA 318:42, II to read as follows:

II. Physicians, dentists, *optometrists*, and veterinarians from possessing, compounding, personally administering, or distributing prescription drugs to meet the immediate medical needs of their patients.

3 New Paragraph; Definition Added. Amend RSA 318-B:1 by inserting after paragraph XIX the following new paragraph:

XIX-a. "Optometrist" means a person authorized by law to practice optometry in this state pursuant to RSA 327;

4 Optometrists Added. Amend RSA 318-B:1-a, III to read as follows:

III. In addition to the provisions of RSA 541-A, the director shall give due notice of the time, place and purpose of all hearings required under this chapter to podiatrists, osteopaths, hospitals, pharmacists, physicians, dentists, veterinarians, *optometrists*, laboratories, registered manufacturers, suppliers and to the general public by such means as he shall deem adequate. From and after the hearing date, the sale or dispensation (except by prescription) of a drug or chemical containing any quantity of such substance as is the subject matter of the hearing shall be suspended pending a determination as to whether such substance is to be designated as a controlled drug. Designation as a controlled drug shall result in the continued suspension of the sale or dispensation (except by prescription) of any drug or chemical containing any quantity of such substance until the effective date of the designation. The substance shall thereafter be a controlled drug subject to this chapter. If any substance is so designated, the director shall publish the designation in a newspaper of general circulation in the state once each week for 3 successive weeks.

5 Optometrists Added. Amend RSA 318-B:12, I to read as follows:

I. Practitioners, including physicians, podiatrists, dentists, veterinarians, *optometrists*, manufacturers, wholesalers, pharmacists, clinics, hospitals, and laboratories, shall keep separate records, so as not to breach the confidentiality of patient records, to show the receipt and disposition of all controlled drugs. Such records shall meet the requirements of the division of public health services and federal laws and regulations relative to the receipt, manufacture, inventory, distributions, sale, dispensing, loss, theft, and any other disposition of controlled drugs. The records shall indicate at least the name, dosage form, strength, and quantity of the controlled drug; the name and address of any person to whom the drug was administered, dispensed, sold or transferred and the date of any and all transactions involved with the controlled drug.

6 Optometrists Added. Amend RSA 318-B:12, III to read as follows:

III. Practitioners including physicians, podiatrists, dentists, veterinarians, *optometrists*, manufacturers, wholesalers, pharmacies, clinics, hospitals, laboratories, and any other person required by federal law to conduct biennial controlled substance inventories, shall do so beginning May 1, 1991, and thereafter on May 1 of every odd numbered year.

7 Optometrist Added. Amend RSA 318-B:13, III to read as follows:

III. Whenever a practitioner other than a pharmacist, but including a physician, dentist, podiatrist, *optometrist*, or veterinarian, dispenses a controlled drug, he shall indicate on the container in which such drug is dispensed at least the name of the practitioner; the name and address of the patient, or, in the case of an animal, the name and address of the owner and the species of animal; the date dispensed; the name, strength, and quantity of drug dispensed; and the directions for administering the medication.

8 Definitions. RSA 327:1 is repealed and reenacted to read as follows:

327:1 Definitions. In this chapter:

I. "Board" means the board of registration in optometry.

II. "Dispensing pharmaceutical agents" means that a licensed optometrist may dispense a pharmaceutical agent to a patient if no charge is imposed for the pharmaceutical agent and the amount dispensed does not exceed a 72-hour supply, except that if the minimum available quantity for dispensing is greater than a 72-hour supply, the optometrist may dispense the minimum available quantity.

III. "Pharmaceutical agent" means any pharmaceutical product used for diagnosis or treatment of conditions of the human eye, adnexa and eyelids, and benedryl, epinephrine or an equivalent medication to counter anaphylaxis or anaphylactic reaction.

IV. "Practice of optometry" means the employment of any methods or means, other than surgery requiring incision and closure, for the:

(a) Diagnosis and treatment of any optical defect, deficiency, deformity, or disease of the human eye, adnexa and eyelids.

(b) Diagnosis and treatment of visual or muscular anomaly of the visual system.

(c) Adaptation or prescribing of spectacle lenses, contact lenses, prisms or ocular exercises for the correction, relief or aid of the visual functions.

(d) Prescribing, administering or dispensing of pharmaceutical agents as defined in paragraph III.

For purposes of this paragraph, the application or removal of FDA-approved medical devices including, but not limited to, contact lenses and punctal plugs and the removal of superficial foreign bodies from the eye, adnexa and eyelids, shall not constitute surgery. The use of lasers for therapeutic purposes or for photorefractive or other surgical procedures by optometrists shall be prohibited.

V. "Prescription of pharmaceutical agents" means a written or oral direction to dispense a pharmaceutical agent, including inscription, subscription, transcription, and renewal.

9 Requirements to Use Pharmaceutical Agents. RSA 327:6-a is repealed and reenacted to read as follows:

327:6-a Requirements; Authorization.

I. Only licensed optometrists who have successfully completed examinations on pharmacological substances and other treatments of diseases of the eye, adnexa and eyelids, and who have met acceptable standards of education and professional competence as determined by the board, shall be authorized to use pharmaceutical agents in the practice of optometry.

II. Notwithstanding any other provision of law to the contrary, any licensed pharmacist is authorized to fill prescriptions issued by optometrists for pharmaceutical agents authorized under this chapter.

10 Repeal. RSA 327:6-b, relative to the joint pharmaceutical formulary board, is repealed.

11 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill redefines terms, specifies those optometrists who shall be authorized to use pharmaceutical agents in the practice of optometry, and repeals the joint pharmaceutical formulary board. It also includes optometrists as a profession subject to the Controlled Drug Act, and defines the relationship of optometrists with pharmacists and pharmacies.

Rep. Wells spoke in favor.

Adopted.

Report adopted and referred to Executive Departments and Administration.

HB 110, relative to use and derivative use immunity. OUGHT TO PASS WITH AMENDMENT

Rep. Peter H. Burling for Judiciary: This bill is modeled on existing federal law. It is a balanced and appropriate grant of power to the executive branch, empowering that branch to extend limited immunity in appropriate cases. The purpose of this law is to allow for the compulsion of vital testimony (for the prosecution or defense) under a grant of limited immunity. Vote 17-1.

Amendment (1603B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1993.

Adopted.

Report adopted and ordered to third reading.

HB 270, relative to obtaining certain public utility company records. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert E. Murphy for the Majority of Judiciary: The purpose of this bill is designed to eliminate the current perceived time lag in the acquiring of public utility records needed in criminal investigation. The majority of the committee agrees in the need however and believes that the authority to acquire such records should be retained at the Attorney General level as with "wire tapping" authority. Testimony indicated that much of the time interval was due to the number of telephone companies involved. The companies have indicated they could and would speed up the process. Vote 10-8.

Rep. Benjamin J. DePecol for the Minority of Judiciary: The minority believes that New Hampshire should keep the judicial buffer between the power of the state and the protection of an individual's privacy. We do not believe that it is good policy to remove or reduce rights just for the sake of convenience to the state.

Amendment (1337B)

Amend the bill by replacing all after the enacting clause with the following:

1 References Added. Amend RSA 7:6-b to read as follows:

7:6-b Certain *Public Utility* Records [of Telephone or Telegraph Company].

I. Every public utility owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph messages as defined in RSA 362:2, *electrical usage, or water usage*, upon the written demand of the attorney general *or designee from within the department of justice*, that he has reasonable grounds for belief that the service furnished to a person or to a location by such public utility has been, is being, or may be used for an unlawful purpose, shall furnish [to the attorney general] *the following information*:

(a) The names and addresses of the persons to whom *the* stated telephone numbers, *paging numbers, electrical or water usage* [are] *is* assigned[.].

(b) The names, addresses and telephone *or pager* numbers of persons to whom unlisted telephone *or paging* service is furnished; [and].

(c) Any other records in the possession of such public utility relating to the service furnished to such person or location.

II. For the purposes of this section, "public utility" shall be construed to include those companies which supply paging, water or electrical services. No [such] public utility nor any agent, servant or employee thereof, shall be civilly or criminally responsible or liable for furnishing or delivering any records or information in compliance with [said] *a* demand, and the attorney general *or designee from within the department of justice* shall not disclose any information obtained as a result of [said] *a* demand except as it is essential to the proper discharge of [his] *their* duties.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the attorney general or designee from within the department of justice to obtain, on written demand, the name and address of any person who they believe is using a telephone, telegraph, electrical, or water service for an unlawful purpose.

Adopted.

Rep. Kurk spoke against.

Roll call request sufficiently seconded. The question being the adoption of the amended committee report.

YEAS 102

NAYS 247

**YEAS 102
BELKNAP**

Bartlett, Gordon
Lawton, David

Dewhirst, Glenn
Rosen, Ralph

Johnson, Carl

Lafam, Robert

CARROLL

Allard, Nanci	Chandler, Gene	Cogswell, Richard	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Gordon	

CHESHIRE

Pearson, Gertrude	Perry, David	Smith, Edwin	Young, David
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COOS

Foss, Frederic	Harwell, Tyler	Horton, Lynn
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GRAFTON

Adams, Carl	Bean, Pamela	Driscoll, William	Gordon, Edward
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Bowers, Dorothy	Chabot, Robert
Cowenhoven, Garret	Crotty, Edward	Dodge, Emma	Drolet, Paul
Durham, Susan	Eliades, George	Gagnon, Eugene	Hart, Nick
Healy, Daniel	Jasper, Shawn	Johnson, Lionel	Kelley, Dana
Kelley, Robert	Kirby, Thomas	L'Heureux, Robert	Lefebvre, Roland
Lown, Elizabeth	Mercer, Robert	Messier, Irene	Mittelman, David
Moore, Elizabeth	Murphy, Robert	Packard, Bonnie	Pepino, Leo
Record, Alice	Searles, Stanley, Sr.	Turgeon, Roland	Wells, Peter, Sr.

MERRIMACK

Barberia, Richard	Carter, Susan	Chandler, John	Gilbreth, Robert
Gross, Caroline	Hill, Michael	Houlahan, Thomas	Johnson, C. William
Langer, Ray	Lockwood, Robert	Nichols, Avis	Pfaff, Terence

ROCKINGHAM

Blake, Daniel	Bove, Martin	Caswell, Albert, Jr.	Christie, Andrew, Jr.
Clark, Martha	Coes, Betsy	Conroy, Janet	Gage, Beverly
Hurst, Sharleene	Katsakiores, George	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Noyes, Richard	Putnam, Ed, II	Raynowska, Bernard	Ritzo, Eugene
Rosencrantz, James	Senter, Merilyn	Stone, Joseph	Sytek, Donna
Welch, David			

STRAFFORD

Brown, Julie	Callaghan, Frank	Douglass, Clyde	Hashem, Elaine
Torr, Ann	Wheeler, Katherine		

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon
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NAYS 247**BELKNAP**

Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul	Hauck, William
Hawkins, Robert	Holbrook, Robert	Rice, Thomas, Jr.	Salatiello, Thomas
Smith, Linda	Turner, Robert	Ziegler, Alice	

CARROLL

Beach, Mildred	Bradley, Jeb	Dickinson, Howard, Jr.	Foster, Robert
Lyman, L. Randy	Wiggin, Allen		

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Cole, Stacey	DePecol, Benjamin	Delano, Robert	Foster, Katherine
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Metzger, Katherine	Richardson, Barbara
Royce, H. Charles	Russell, Ronald		

COOS

Coulombe, Henry
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTON

Below, Clifton
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon

Brown, Alson
Crory, Elizabeth
Hill, Richard
Rose, William

Brown, Patricia
Dow, David
Larson, Nils, Jr.

Chase, Paul, Jr.
Guest, Robert
McIlwaine, Deborah

HILLSBOROUGH

Ackerman, Philip
Bagley, Amy
Buckley, Raymond
Cote, David
Domaingue, Jacquelyn
Dyer, Merton
Fields, Dennis
Gervais, Glen
Hall, Betty
Holt, David
Jean, Loren
Lessard, Rudy
McCarty, Winston
Moncrief, Keith
Perkins, Paul
Reidy, Frank
Rothhaus, Finlay
Soucy, Donna
Wheeler, Robert

Ahern, Richard
Bergeron, Lucien
Burke, M. Virginia
Daigle, Robert
Donovan, Francis
Dykstra, Leona
Foster, Linda
Gosselin, Gerald
Hanselman, Gregory
Holt, Mark
Kurk, Neal
Lozeau, Donnalee
McNemey, Daniel
Morrissette, Roland
Peters, Stanley
Rheault, Lillian
Sargent, Maxwell
Toomey, Kathryn
White, John

Andrews, Frederick
Bergeron, Normand
Calawa, Leon, Jr.
Daniels, Gary
Drabinowicz, A. Theresa
Fenton, James
Franks, Suzan
Greenberg, Gary
Holden, Carol
Hunter, Bruce
Lachut, Ervin
Martin, Mary Ellen
McRae, Karen
Nardi, Theodora
Philbrook, Paula
Riley, Frances
Smart, John
Vanderlosk, Stanley
Wright, George

Arnold, Thomas, Jr.
Borsa, Andrew
Clemons, Jane
Desrosiers, William
Dwyer, Patricia
Ferguson, Charles
Gage, Ruth
Haettenschwiller, Alphonse
Holley, Sylvia
Jean, Claudette
Laughlin, J. Francis
McCann, Bonnie
Milligan, Robert
Paquette, Rodolphe
Plourde, Alphonse
Rodgers, G. Philip
Smith, Leonard
Weergang, Alida

MERRIMACK

Apple, Lowell
Daneault, Gabriel
French, Barbara
Kidder, William
Rogers, Katherine
Teague, Bert
Whittemore, James

Braiterman, Thea
Dunn, Miriam
Hall, Douglas
Moore, Carol
Shaw, Randall
Trombly, Rick
Willis, Jack

Buessing, Marjorie
Feuerstein, Martin
Holmes, Mary
Owen, Derek
Soldati, Jennifer
Wallner, Mary Jane
Yeaton, Charles

Chandler, Earle
Fillion, Paul
Johnson, Joyce May
Regan, Maurice
Stapleton, Henry
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Cote, Charles
DiPietro, Carmela
Fesh, Robert
Hazelton, Robert
Kane, Cecelia
Lovejoy, Marian
Newman, Rick
Pratt, Katharin
Simon, Peter
St. Martin, Tommy
Vaughn, Charles
Yennaco, Carol

Arndt, Janet
Campbell, Marilyn
Cote, Patricia
Dowd, Sandra
Flanders, David
Hemenway, Thomas
Katsakiores, Phyllis
McGovern, Cynthia
O'Keefe, Patricia
Richards, David
Skinner, Patricia
Stritch, C. Donald
Warburton, Calvin

Battles, Marjorie
Chester, Sherman
Crossman, Harold, Jr.
Dowling, Patricia
Flanders, John, Sr.
Hutchinson, Karen
Kruse, Fred
McKinney, Betsy
Packard, Sherman
Rubin, George
Smith, Arthur
Sytek, John
Williamson, William

Beaulieu, Jon
Clark, Vivian
Crum, William, Jr.
Drake, Herbert
Gorman, Donald
Johnson, Robert
Lee, Rebecca
Miller, Don
Pantelakos, Laura
Schanda, Joseph, Sr.
Splaine, James
Terninko, Margaret
Woods, Deborah

STRAFFORD

Brown, George	Chagnon, Ronald	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hemon, Roland	Hilliard, Dana	Keans, Sandra
Kincaid, William	Knowles, William	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda
Merritt, Deborah	Musler, George	Pageotte, Donald	Pelletier, Arthur
Pelletier, Marsha	Snyder, Clair	Spear, Barbara	Sullivan, Henry
Torr, Franklin	Torr, Ralph	Vincent, Francis	Wasson, Richard

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Holl, Ann
Kane, Joan	Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik
Schotanus, Merle	Stamatakis, Carol		

and the amended report failed.

Reps. Malcolm and Nehring informed the Clerk that they did not vote and intended to vote nay.

Rep. Kurk moved that the words Inexpedient to Legislative be substituted for the report of the Committee, Ought to Pass with Amendment.

Rep. Harwell spoke against.

Rep. Gordon spoke against and yielded to questions.

Rep. DePecol yielded to questions.

On a division vote, 218 members having voted in the affirmative and 140 in the negative, the motion was adopted.

The substituted Committee report was adopted.

HB 296, relative to death with dignity and repealing the prohibition against causing or aiding suicide. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Judiciary: Changes made in HB 395, relative to death with dignity, reflect the committee's position on this vital issue. The committee agreed that the current statutes that would have been repealed by this bill are still needed. Vote 17-0.

Adopted.

HB 356-L, relative to legal disputes between the state and counties regarding Article 28-a violations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Judiciary: The committee struck out a section which would have transferred various legal fees from one party to another. It retained a good provision that provides for a stay of fines and penalties imposed by the state against a political subdivision, where the political subdivision has raised the question of "unfunded mandates" under article 28-A. Vote 16-2.

Amendment (1494B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to legal disputes between the state and political subdivisions
of the state regarding Article 28-a violations.

Amend the bill by replacing section 1 with the following:

1 New Section; Suits Involving Mandated Programs. Amend RSA 31 by inserting after section 3 the following new section:

31:3-a Suits Involving State-Mandated Programs. If legal proceedings have been commenced by a town against the state over whether a state program or responsibility violates the provisions of Part I, Article 28-a of the New Hampshire constitution relative to mandated programs, all penalties, liens, and legal recourses which the state may impose on the town for failure to comply with the state program or mandate shall be stayed until the court proceedings are completed. For the purposes of this section, the term "town" shall mean every political subdivision of the state, which shall include any village district, school district, city, county, unincorporated town, or unorganized place.

AMENDED ANALYSIS

This bill provides that if legal proceedings have been commenced by a political subdivision of the state against the state over whether a state program or responsibility violates the provisions of Part I, Article 28-a of the New Hampshire constitution relative to mandated programs, all penalties, fines, and legal recourses which the state may impose on the political subdivision for failure to comply with the state program or mandate shall be stayed until the court proceedings are completed.

Adopted.

Report adopted and ordered to third reading.

HB 557-FN-A, requiring the appropriation of funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state's defense. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Lockwood for Judiciary: The majority agreed again this year that it is not good public policy to have the state pay legal expenses for both sides in any case in which the state is a party to a lawsuit. Vote 12-6.

Rep. Burling moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Cloutier spoke in favor and yielded to questions.
(Rep. Michael Hill in the Chair)

Reps. Lockwood and Gordon spoke against.

Rep. Burling spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 100

NAYS 248

**YEAS 100
BELKNAP**

Laflam, Robert

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine

Burnham, Daniel
Kingsbury, H. Thayer

Champagne, Richard
Russell, Ronald

DePecol, Benjamin
Young, David

COOS

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

Wiswell, James

GRAFTON

Below, Clifton
Dow, David

Brown, Patricia
Guest, Robert

Copenhaver, Marion
Nordgren, Sharon

Croy, Elizabeth

HILLSBOROUGH

Ackerman, Philip
Buckley, Raymond
Dwyer, Patricia
Haetenschwiller, Alphonse
Kirby, Thomas
Morrissette, Roland
Smith, Leonard

Ahern, Richard
Clemons, Jane
Fields, Dennis
Hall, Betty
Leclerc, Charles
Nardi, Theodora
Soucy, Donna

Allen, W. Gordon
Cote, David
Foster, Linda
Hanselman, Gregory
Lozeau, Donnalee
Philbrook, Paula
White, John

Bergeron, Normand
Drabinowicz, A. Theresa
Gage, Ruth
Jean, Claudette
Martin, Mary Ellen
Plourde, Alphonse

MERRIMACK

Braiterman, Thea
French, Barbara
Owen, Derek
Trombly, Rick

Daneault, Gabriel
Gilibreth, Robert
Rogers, Katherine
Wallner, Mary Jane

Dunn, Miriam
Hall, Douglas
Soldati, Jennifer
Yeaton, Charles

Feuerstein, Martin
Johnson, Joyce May
Teague, Bert

ROCKINGHAM

Bell, Juanita
Crossman, Harold, Jr.
Newman, Rick
St. Martin, Tommy

Campbell, Marilyn
Crum, William, Jr.
Pantelakos, Laura
Syracusa, Anthony

Caswell, Albert, Jr.
Kane, Cecelia
Schanda, Joseph, Sr.
Teminko, Margaret

Clark, Martha
McGovern, Cynthia
Splaine, James
Vaughn, Charles

STRAFFORD

Chagnon, Ronald
McCann, William, Jr.
Pelletier, Arthur
Wheeler, Katherine

Hambrick, Patricia
Merrill, Amanda
Pelletier, Marsha

Kincaid, William
Merritt, Deborah
Sullivan, Henry

Loder, Suzanne
Pageotte, Donald
Vincent, Francis

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

NAYS 248**BELKNAP**

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Ziegra, Alice

Cain, Thomas
Hawkins, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Holbrook, Robert
Smith, Linda

Dewhirst, Glenn
Johnson, Carl
Turner, Robert

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Lynch, Margaret
Pearson, Gertrude
Smith, Edwin

Cole, Stacey
Manning, Joseph
Perry, David

Delano, Robert
McGuirk, Paul
Richardson, Barbara

Hunt, John
Metzger, Katherine
Royce, H. Charles

COOS

Burns, Harold
Harwell, Tyler

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Hill, Richard
Scanlan, David
Ward, Kathleen

Bean, Pamela
Driscoll, William
Larson, Nils, Jr.
Teschner, Douglass

Brown, Alson
Gordon, Edward
McIlwaine, Deborah
Trelfa, Richard

Brown, Channing
Ham, Bonnie
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Ahrens, Frederick
Bagley, Amy
Burke, M. Virginia
Crotty, Edward
Dodge, Emma
Durham, Susan
Fenton, James
Gervais, Glen
Healy, Daniel
Holt, Mark
Johnson, Lionel

Amidon, Eleanor
Bergeron, Lucien
Calawa, Leon, Jr.
Daigle, Robert
Domaigne, Jacquelyn
Dyer, Merton
Ferguson, Charles
Gosselin, Gerald
Holden, Carol
Hunter, Bruce
Kelley, Dana

Andrews, Frederick
Borsa, Andrew
Chabot, Robert
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Franks, Suzan
Greenberg, Gary
Holley, Sylvia
Jasper, Shawn
Kelley, Robert

Arnold, Thomas, Jr.
Bowers, Dorothy
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Eliades, George
Gagnon, Eugene
Hart, Nick
Holt, David
Jean, Loren
L'Heureux, Robert

Lachut, Ervin
McCann, Bonnie
Mercer, Robert
Moore, Elizabeth
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Weergang, Alida

Lefebvre, Roland
McCarty, Winston
Messier, Irene
Murphy, Robert
Peters, Stanley
Rodgers, G. Philip
Toomey, Kathryn
Wells, Peter, Sr.

Lessard, Rudy
McNerney, Daniel
Mittelman, David
Packard, Bonnie
Record, Alice
Rothhaus, Finlay
Turgeon, Roland
Wheeler, Robert

Lown, Elizabeth
McRae, Karen
Moncrief, Keith
Paquette, Rodolphe
Rheault, Lillian
Sargent, Maxwell
Vanderlosk, Stanley
Wright, George

MERRIMACK

Apple, Lowell
Chandler, Earle
Holmes, Mary
Kidder, William
Nichols, Avis
Weeks, John, Jr.

Barberia, Richard
Chandler, John
Houlahan, Thomas
Langer, Ray
Pfaff, Terence
Whalley, Michael

Buessing, Marjorie
Fillion, Paul
Johnson, C. William
Lockwood, Robert
Shaw, Randall
Whittemore, James

Carter, Susan
Gross, Caroline
Kennedy, Richard
Moore, Carol
Stapleton, Henry
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Christie, Andrew, Jr.
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Simon, Peter
Sytek, Donna
Williamson, William

Arndt, Janet
Boucher, William
Clark, Vivian
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Hutchinson, Karen
Klemarczyk, Thaddeus
Lovejoy, Marian
Moore, Benjamin
Putnam, Ed, II
Rosencrantz, James
Skinner, Patricia
Sytek, John
Woods, Deborah

Battles, Marjorie
Bove, Martin
Coes, Betsy
Dowling, Patricia
Flanagan, Natalie
Gorman, Donald
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Noyes, Richard
Raynowska, Bernard
Rubin, George
Smith, Arthur
Warburton, Calvin
Yennaco, Carol

Beaulieu, Jon
Chester, Sherman
Conroy, Janet
Drake, Herbert
Flanders, David
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Packard, Sherman
Richards, David
Senter, Marilyn
Stritch, C. Donald
Welch, David

STRAFFORD

Brown, George
Hashem, Elaine
Knowles, William
Musler, George
Torr, Franklin

Brown, Julie
Hemon, Roland
Lundborn, Raymond
Snyder, Clair
Torr, Ralph

Douglass, Clyde
Hilliard, Dana
McGrath, J. Gregory
Spear, Barbara
Wasson, Richard

Dunlap, Patricia
Keans, Sandra
McKinley, Robert
Torr, Ann

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed
Report adopted.

(Speaker Burns in the Chair)

HB 650, requiring a judge to give certain instructions to the jury in any criminal case or in a civil case whenever government is a party to the trial. **INEXPEDIENT TO LEGISLATE**

Rep. Tyler P. Harwell for Judiciary: The committee was of the opinion that the General Court has no business telling the judges of this State what instructions they should or should not give in a criminal case. It furthermore had profound reservations about adopting the instruction in question as a rule. Vote 12-2.

Adopted.

HB 516, eliminating the duty of a public employee labor organization to engage in collective bargaining on behalf of employees who elect not to join the organization. **INEXPEDIENT TO LEGISLATE**

Rep. Paul R. Perkins for Labor, Industrial and Rehabilitative Services: The overwhelming testimony indicated that this bill would have a tendency to fragment employee relationships by dividing the work force into two or more unequal parts. It also was felt that the state and communities would be faced with a greater financial burden, not only in administrative cost, but legal fees as well. The Public Employees Labor Relations Board takes every opportunity to allow for community of interest. Vote 12-5.

Adopted.

HB 606, establishing a managed care program for all employers who are in the workers' compensation assigned risk pool. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill authorizes the Labor Commissioner to approve a managed care program for workers' compensation, which shall be established according to standards used for the managed care pilot program currently in place in Hillsborough, Merrimack and Cheshire county. This program should result in the contained medical costs, reduced litigation and improvement in the rehabilitation process, as it has with the pilot program. This authorizes in 1995, managed care in the voluntary market and conforms to the Insurance Commissioner's rate filing concerning the residual market. Vote 9-1.

Amendment (1672B)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing employers subject to the workers' compensation law to establish managed care programs.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Managed Care Programs. Amend RSA 281-A by inserting after section 23 the following new section:

281-A:23-a Managed Care Programs.

I. An employer, employer's insurance carrier or self-insurer that is subject to the provisions of this chapter may satisfy the requirements and provisions of RSA 281-A:23 and the employee's rights under that section by providing a managed care program which has been approved by the commissioner. Such program shall not be approved unless the commissioner finds that:

(a) The network or panel of health care professionals is sufficiently comprehensive both in terms of geography and medical specialties.

(b) The program provides for treatment and aids outside of the network or panel, if the necessary services or aids cannot be provided within the network or panel, or if emergency circumstances prohibit use of the network or panel, or in such other circumstances as the commissioner may find.

(c) That the program includes a process for determining professional qualifications of health care professionals in the network or panel.

(d) That the program provides for acceptable quality assurance measures.

(e) That the program includes both in-patient and out-patient case management and rehabilitation case management.

II. No managed care program shall limit the right to a hearing under RSA 281-A:43, I or shall vary the methods for calculating weekly payments for disability compensation under RSA 281-A:28 or 281-A:31 or for calculating scheduled permanent impairment awards under RSA 281-A:32.

III. A managed care program shall be deemed to have been approved unless within 30 days after its filing with the commissioner, the commissioner makes a preliminary determination of non-compliance, specifying in writing the reasons why the program does not appear to conform to the requirements of paragraph I. The proponent of such program shall have the right to a hearing before the commissioner to contest the preliminary determination.

2 Applicability. RSA 281-A:23-a as inserted by section 1 of this act shall apply to the residual market as of the effective date of this act. Notwithstanding section 3 of this act, RSA 281-A:23-a

as inserted by section 1 of this act shall apply to the voluntary market and self-insurers effective January 1, 1994.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes employers subject to the workers' compensation law to establish managed care programs. Such programs, however, shall be approved by the labor commissioner.

Adopted.

Report adopted and ordered to third reading.

Reps. Merritt and Trombly notified the Clerk that they wished to be recorded in opposition to the bill.

HB 179-FN, allowing new legislators to receive a mileage allowance for attending the legislator's orientation program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marsha L. Pelletier for Legislative Administration: The committee agreed with testimony of encouraging new members to attend orientation, realizing that some may have made sacrifices to attend; therefore, they should get paid mileage. This covers only new members-elect. Vote 10-1.

Amendment (1091B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program.

Amend the bill by replacing section 1 with the following:

1 New Section; Mileage Allowance for New Members-Elect. Amend RSA 14 by inserting after section 15-b the following new section:

14:15-c Mileage Allowance for New Members-Elect.

I. Each new member-elect of the general court shall receive mileage for each day the new member-elect actually attends the legislator's orientation program which is held in Concord between the date of election and the date of the organizational session, as provided in RSA 17-C. For the purposes of this section, "new member-elect of the general court" means a person who did not serve a full term in the previous legislative session and who was elected or reelected in the general election immediately preceding the legislator's orientation program.

II. In the computation of mileage under this section, the word "day" shall mean a calendar day. Each new member-elect of the general court shall be allowed mileage per mile of the round trip to and from the member-elect's home to the state house in Concord each day of attendance at the following rates:

(a) For the first 45 miles thereof, \$.38 per mile; and

(b) For all miles in excess of 45 miles, \$.19 per mile.

III. Each new member-elect of the general court shall, on the first day of the legislator's orientation program, furnish to the continuing committee on legislator orientation established under RSA 17-C a statement of the distance from the member-elect's home to the state house in Concord. The continuing committee on legislator orientation shall forward the statements of distance to the committee on mileage, which shall then compute the mileage allowance to be allowed the member-elect. The committee on mileage shall be arbiters of all disputes and claims involving payment of mileage to members-elect. The committee may consult with the department of transportation relative to the distances as set forth in the statement furnished by the member-elect but the establishment of the distance shall be made by the committee, from its study and investigation.

AMENDED ANALYSIS

This bill allows each new legislator-elect to receive mileage for each day the legislator-elect attends the legislator's orientation program. The rate of the mileage allowed is the legislative mileage rate paid to members of the general court.

Adopted.

Report adopted and ordered to third reading.

HB 604-FN, requiring that all fees set by statute be reviewed by the legislature on a 6-year basis to insure that such fees reflect only the direct and indirect costs of a program funded or function provided. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Legislative Administration: House Bills 604, 651 and 652 are bills which deal with fees collected by the state, While these bills would stand alone, they are inter-related. These bills identified areas which may be of concern, but, they do not appear to offer any definitive solutions. The committee was opposed to changing the policy of allowing fees to raise up to 125% of the direct and indirect costs associated with these fees to not more than 100% of those costs. There are specific cases where the Legislature has decided that some portion of fees should go to support programs which are not part of the costs associated with those fees. The bills would have required that all fees be reviewed every six years by the Legislature. Currently all fees raised through rules are reviewed by the Joint Committee on Administrative Rules at least that often. The issue of fees is a very complicated one and one which we may never be able to tie up in a nice neat package. Vote 11-0.

Adopted.

HB 651-FN, allowing the legislative committee on administrative rules to object to a fee imposed by rule, if such fee does not reflect only the direct and indirect costs of a program funded or function provided. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Legislative Administration: House Bills 604, 651 and 652 are bills which deal with fees collected by the state, While these bills would stand alone, they are inter-related. These bills identified areas which may be of concern, but, they do not appear to offer any definitive solutions. The committee was opposed to changing the policy of allowing fees to raise up to 125% of the direct and indirect costs associated with these fees to not more than 100% of those costs. There are specific cases where the Legislature has decided that some portion of fees should go to support programs which are not part of the costs associated with those fees. The bills would have required that all fees be reviewed every six years by the Legislature. Currently all fees raised through rules are reviewed by the Joint Committee on Administrative Rules at least that often. The issue of fees is a very complicated one and one which we may never be able to tie up in a nice neat package. Vote 11-0.

Adopted.

HB 652-FN, requiring state fees to reflect only the direct and indirect costs of a program funded or function provided. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Legislative Administration: House Bills 604, 651 and 652 are bills which deal with fees collected by the state, While these bills would stand alone, they are inter-related. These bills identified areas which may be of concern, but, they do not appear to offer any definitive solutions. The committee was opposed to changing the policy of allowing fees to raise up to 125% of the direct and indirect costs associated with these fees to not more than 100% of those costs. There are specific cases where the Legislature has decided that some portion of fees should go to support programs which are not part of the costs associated with those fees. The bills would have required that all fees be reviewed every six years by the Legislature. Currently all fees raised through rules are reviewed by the Joint Committee on Administrative Rules at least that often. The issue of fees is a very complicated one and one which we may never be able to tie up in a nice neat package. Vote 11-0.

Rep. Horton moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Adopted.

SPECIAL ORDERS

Without objection, the Chair made the remaining bills on the Regular Calendar Special Orders for Thursday, March 4, 1993.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be

read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 4, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 578, repealing the requirement that grandparents pay all costs arising out of petitions for visitation with their grandchildren.

HB 284, regarding notice for condominium association meetings and relative to voting by condominium owners.

HB 322, requiring insurers to provide insureds with a statement reflecting the dollar amount of allowable benefit for medical procedures.

HB 328, requiring the refund of mortgage loan application fees and costs when a loan application is not processed due to the financial failure of the mortgage lender.

HB 358, allowing the creation of or participation in professional corporations by physician assistants.

HB 602-FN, relative to claiming assets which have escheated to the state.

HB 393, relative to duties of supervisors of a checklist.

HB 600-FN-L, relative to candidates who seek nomination by nomination papers.

HB 215-FN, relative to extradition.

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure.

HB 454-FN, removing the requirement that courts approve temporary transfers of county prisoners.

HB 537, relative to registration of sexual offenders.

HB 494, establishing a joint committee on recodification of solid waste laws.

HBI 5, relating to the reduction, elimination and substitution of toxic substances.

HCR 8, encouraging Congress to increase the reimbursement rate to municipalities for government-owned land.

HB 396, establishing a committee to study mechanisms of funding and providing long-term care for the elderly.

HB 560, changing procedures regarding appointment of guardians of minors.

HB 562, relative to meetings regarding security issues in correctional facilities.

HB 376, relative to the election by nonprofit corporations and municipalities to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund.

HB 418, relative to costs of prevailing employees under the workers' compensation law.

HB 669, transferring the right to appeal in certain cases from a decision of the labor commissioner on workers' compensation from the superior court to the compensation appeals board.

HB 177-FN-L, establishing procedures for the removal of town clerks, tax collectors and treasurers.

HB 280, relative to zoning requirements for family day care homes.

HB 307, permitting municipalities to contract with their road agents without competitive bidding.

HB 332, authorizing municipalities to create revolving funds to support public recreation parks.

HB 349, requiring that selectmen or assessing officials be allowed access to property as a prerequisite to appeal of any matter pertaining to a property tax.

HB 351, relative to the positions of town clerk, town treasurer, and tax collector and the terms for such positions.

HB 478-L, allowing municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption.

HB 481, enabling municipalities to enact noise ordinances.

HB 483-FN-L, relative to the licensing of dogs.

HB 489, authorizing the establishment of municipal trails.

HB 543, allowing municipalities to combine the offices of tax collector and treasurer.

HB 591-FN-L, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card.

HB 671-FN, increasing the term of a resident's license to carry loaded pistols and revolvers.

HB 412-FN, allowing liquor licenses for billiard facilities.

HB 253, designating a portion of funds collected under the oil pollution control fund to train and equip personnel in oil spill response.

HB 295, requiring commercial establishments that offer public docking or launching facilities to provide toilet facilities.

HB 312, relative to protecting New Hampshire's heritage landmarks and establishing a review process.

HB 426-FN, establishing a separate account in the oil discharge and disposal cleanup fund to reimburse owners of bulk storage facilities for the costs associated with gasoline and diesel product spillage.

HB 486, designating segments of the Piscataquog River for the rivers management and protection program.

HB 577, allowing municipalities to post warnings regarding the ice on great ponds.

HB 352, requiring DWI offenders to supply a certified copy of their New Hampshire driver's license record at the time of enrollment into an impaired driver intervention program.

HB 581, relative to the use of an altered form of identification to purchase alcoholic beverages.

HB 115, repealing reporting requirements for fish or game propagation licensees; and limiting the time bob-houses may be on public property and adding a penalty for violations.

HB 116, relative to fly fishing on the Connecticut River.

HB 151-FN, permitting the department of fish and game to issue a special deer license to certain licensees, authorizing the executive director to determine the number of deer taken by an archery licensee, and relative to deer tags.

HB 159, designating a portion of the OHRV registration fees for trail acquisition.

HB 506, expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals.

HB 290, establishing priority of real estate tax liens.

HB 399, removing a certain portion of the blue laws regarding Sunday business activity and relative to certain police regulations.

HB 518, relative to automobile insurance premium rates.

HB 510, relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions.

HB 137-FN, lowering the level for legal intoxication under the DWI laws from .10 to .08.

HB 167, clarifying circumstances under which a person is justified in using deadly force.

HB 476, establishing the crime of stalking.

HB 488, authorizing the commissioner of corrections to recommend a prisoner to the adult parole board if the prisoner has completed certain programs or treatment.

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities.

HB 140-FN-A, establishing a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling.

HB 603-FN-L, relative to energy efficiency in state facilities.

HB 110, relative to use and derivative use immunity.

HB 356-L, relative to legal disputes between the state and political subdivisions of the state regarding Article 28-a violations.

HB 606-FN, authorizing employers subject to the workers' compensation law to establish managed care programs.

HB 179-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 5:10 p.m.

RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 9

Thursday, March 4, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We give You thanks, O God, that while Your purposes may lie beyond our highest thoughts, Your love and guidance are within reach of our most fragile trust. Be with us now, we pray, so that our deliberations and decisions may be inspired by Your insight, challenged by Your patience and shaped by Your vision. Amen.

Rep. Christie led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mason, Warburton, Groves, Paula Bradley, Irene Pratt, Eaton, O'Brien, Richard Soucy, Ahlgren and Wall, the day, illness.

Reps. McGuirk, Weyler, Mark Holt, MacDonald, Rose Marie Rogers, Upton, Morello, Klemm and Asselin, the day, important business.

Rep. Douglas Hall, the day, illness in the family.

INTRODUCTION OF GUESTS

Former Rep. Peter Jankowski, guest of Rep. Dickinson. Harold Higgins, guest of Rep. Ritzo.

COMMITTEE ASSIGNMENTS

Rep. Loren Jean, on Constitutional and Statutory Revision.

Rep. Kennedy, on Constitutional and Statutory Revision.

Rep. Gordon Wiggin, off Constitutional and Statutory Revision and on Public Protection and Veterans Affairs.

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Jasper offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill of Intent numbered 6, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HBI

HBI 6, the financing of gubernatorial transitions. (Trombly, Merr/4; Gross, Merr/18; Gorman, Rock/5, to Appropriations.

EXTENSIONS

The Committee on Executive Departments and Administration requested a seven-calendar-day extension on **HB 311**, increasing the membership on the New Hampshire retirement system board of trustees;

and a two-calendar-day extension on **HB 583**, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts.

Granted.

ENROLLED BILL REPORT

HB 104, amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal year ending June 30, 1994 and December 31, 1993, respectively.

Sen. Currier, Rep. Dunn, for the Committee

The Chair requested a quorum count and declared a quorum present.

BUDGET BRIEFING

Rep. Channing Brown gave an explanation of the Operating Budget.

SPECIAL ORDERS

HB 269-FN, extending the minimum period for driver's license revocation or suspension for drug offenses. **INEXPEDIENT TO LEGISLATE**

Rep. Donald W. Gorman for Corrections and Criminal Justice: This bill would remove drivers' licenses for any conviction of a drug crime whether or not a motor vehicle was involved. The committee strongly disagrees with the provisions of the federal law that dictates to the State of New Hampshire how this bill would be implemented. The committee was left with no choice but to offer a Joint Resolution in protest of such federal intrusions. Vote 17-0.

Reps. Donna Sytek and Gorman spoke in favor.

Adopted.

HJR 2, expressing the opposition of the general court to federal mandate legislation and asserting its right to determine and impose appropriate sanctions upon the driving privileges of offenders within its own state boundaries. **OUGHT TO PASS**

Rep. C. William Johnson for Corrections and Criminal Justice: In order to qualify for 30 million dollars in highway funds, New Hampshire must either adopt provisions that would revoke the driver's license of any person convicted of a drug offense even though being unrelated to a driving offense as set forth in HB 269, or formally "opt out" by adopting a resolution. This resolution expresses the opposition of the General Court to this federal mandate and asserts its right to determine and impose appropriate sanctions upon the driving privileges of offenders within its own state boundaries. Vote 17-0.

HOUSE JOINT RESOLUTION NO. 2

expressing the opposition of the general court to federal mandate legislation and asserting its right to determine and impose appropriate sanctions upon the driving privileges of offenders within its own state boundaries.

Whereas, the federal government has enacted legislation to withhold federal aid to highways in this state unless the general court and the governor enact legislation related to the suspension or revocation of the driver's license of any person convicted of drug offenses; and

Whereas, the state of New Hampshire is concerned with the unlawful use of drugs and has enacted numerous laws aimed at deterring violation of the drug laws; and

Whereas, the general court of the state of New Hampshire believes that the punishment should have a nexus with the offense; and

Whereas, license suspension sanctions for drugged driving currently exist in state law and are related to operating or being in control of a motor vehicle; and

Whereas, the rural character of the state of New Hampshire and the lack of available public transportation for a large number of its citizens makes the possession of a driver's license an economic necessity and that, therefore, the use of the suspension of the driving privilege should be applied prudently; and

Whereas, the federal government should not dictate policy or legislation of this kind for the state of New Hampshire; and

Whereas, the New Hampshire general court has and will continue to address unlawful drugs in its own state and believes that it is eminently more qualified to regulate and control the privilege of operating motor vehicles on its own state roadways; now, therefore, be it

Resolved by the House of Representatives and the Senate in General Court convened:

That the general court of the state of New Hampshire urges the residents of this state to join together in opposition to the federal legislation; and

That copies of this resolution, signed by the speaker of the house and the president of the senate be forwarded by the house clerk to the United States Secretary of Transportation.

That this resolution be prepared and delivered to the governor of the state of New Hampshire for transmittal to the United States Secretary of Transportation.

Adopted.

HB 108-L, permitting counties to establish special equipment accounts for registers of deeds. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E.P. Rice, Jr. for the Majority of Municipal and County Government: The object of this bill is to allow the establishment of a capital reserve fund for register of deeds equipment. This seems desirable due to the fact that the various registries are a source of considerable revenue and that it is often difficult to get an appropriation sufficient to allow a continued high level of performance. Vote 10-9.

Rep. Linda T. Foster for the Minority of Municipal and County Government: The minority report does not reflect any judgment or pre-disposition concerning the duties and responsibilities of county government. It simply reflects the belief that expenditures for capital equipment should be funded through the regular budgetary process. If the cost of the equipment is excessive for a one-year expenditure, a capital reserve fund should be established. These processes reflect good planning.

Amendment (1435B)

Amend RSA 478:17-j, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) There is hereby established in the county treasury a register of deeds equipment account. If the county commissioners and the county convention vote to adopt the provisions of this section, the register of deeds shall impose a surcharge not to exceed \$2, the exact amount of which shall be set by the register, for recording each document for which the register of deeds imposes a fee under RSA 478:17-g. The surcharge shall be on a per document, and not on a per page basis. After the surcharge is adopted, it shall take effect on the first day of the month following the annual budget acceptance by the county convention.

Amend RSA 478:17-j, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The register of deeds equipment account shall be a separate, nonlapsing account, and the moneys in the account shall not be available for use as general revenue of the county. All interest earned on the account shall be credited to the equipment account. The moneys in the account shall be appropriated only for the use of the office of the register of deeds, and any such appropriation shall require prior approval by a majority vote of both the county commissioners and the county convention. Moneys in the account may only be used for the purchase, rental, or repair of equipment.

AMENDED ANALYSIS

This bill authorizes each county to establish in the county treasury a separate register of deeds equipment account. Establishing the account requires a majority vote of both the county commissioners and the county convention. The account is funded by a surcharge not to exceed \$2 on each document which the register of deeds records. After the surcharge is adopted, it takes effect on the first day of the month following the annual budget acceptance by the county convention. Moneys in the account may be appropriated only for the purchase, rental, or repair of equipment of the office of the register of deeds, and any such appropriation requires the prior approval of both the county commissioners and the county convention.

Rep. Rice spoke in favor of the Majority report and yielded to questions.

Rep. Salatiello spoke in favor of the Minority report.

On a division vote, 193 members having voted in the affirmative and 138 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

HB 368, relative to the definition of "good cause" for the purpose of property tax abatements. INEXPEDIENT TO LEGISLATE

Rep. Thomas B. Salatiello for Municipal and County Government: While this bill allegedly centers on the definition of "good cause," the Committee believes it fails to address it squarely, presenting the words instead as an easy way out of a legitimate, ongoing debate over the thorny question of choice in education. It offers no really workable solution and may create more problems than it solves. There is no other specific statutory reason listed as "good cause." "Good cause" is best left as a general concept to allow assessors or selectmen latitude and flexibility to apply their judgment to community situations. Vote 17-0.

Rep. Fenton moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Noyes spoke against.

Rep. Borsa spoke in favor and yielded to questions.

Rep. Wadsworth spoke against and yielded to questions.

Roll call request not sufficiently seconded.

On a division vote, 39 members having voted in the affirmative and 303 in the negative, the motion failed.

Report adopted.

HB 470-FN-L, allowing the governing body of a municipality to set an interest rate on taxes on tax-redeemed property. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Trelfa for Municipal and County Government: The Committee believes HB 470-FN-L as amended gives local officials needed flexibility in the abatement of taxes, interest on unpaid taxes or a combination without complicating existing accounting practices. Vote 13-4.

Amendment (1329B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing selectmen or assessors to abate interest accrued on property taxes

Amend the bill by replacing all after the enacting clause with the following: 1 Abatement of Interest Permitted. Amend RSA 76:16, I to read as follows:

I. Selectmen or assessors, for good cause shown, may abate any tax assessed by them or by their predecessors, *including any portion of interest accrued on such tax*. Any person aggrieved by the assessment of a tax and who has complied with the requirements of RSA 74, may, within 2 months after notice of the tax, and not afterwards, apply in writing to the selectmen or assessors for an abatement of the tax. "Notice of the tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill permits selectmen or assessors to abate interest on property taxes.

Adopted.

Report adopted and ordered to third reading.

HB 539-L, relative to certain actions not constituting an activity subject to subdivision regulations. INEXPEDIENT TO LEGISLATE

Rep. David M. Perry for Municipal and County Government: HB 539 is unnecessary as the Supreme Court already has ruled that a change in ownership of property with no change in use does not require planning board subdivision approval. Vote 13-3.

Adopted.

HB 615-FN-L, recodifying the municipal budget law. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas B. Salatiello for Municipal and County Government: This bill is the product of a study committee last summer, created by Chapter 152 of the laws of 1992. The bill recodifies RSA Chapter 32, the municipal budget law. By doing so it establishes guidelines for all municipalities operating under town meeting form of government, to prepare, adopt and implement their budgets. This recodification defines many of the terms which are commonly used in the budget process, but which lack definition in statute, such as "appropriation," "purpose of appropriation, special warrant article." For the first time, these definitions, as well as basic rules such as "no spending without an appropriation" will be clearly applicable to all municipalities with a town meeting form of government. This bill gives much needed guidance to municipal officials and voters and places much of what has been common practices and interpretations into law. All issues which were brought up at the public hearing were thoroughly discussed by the Committee. Vote 15-0.

Amendment (1582B)

Amend RSA 32:23 as inserted by section 1 of the act by replacing it with the following:
32:23 Other Committees. Nothing in this subdivision shall prevent:

I. A municipality from establishing advisory budget or finance committees, with such duties and powers as the municipality sees fit, but no such committee's recommendations shall have any limiting effect on appropriations, as set forth in RSA 33:17, unless all the procedures in this subdivision are followed.

II. A city or town with a town council form of government from establishing a budget or financial committee as part of its charter.

Rep. Trelfa yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 618-FN-L, limiting the amount a town or city may receive from sale of property taken in default of redemption. RE-REFER TO COMMITTEE Rep. Richard Noyes for Municipal and County Government: A narrow majority of the Committee felt there are unresolved issues which would affect this bill, and ask that it be re-referred, the expectation being that relevant new information will be available reasonably soon when a pending court case is adjudicated. Vote 9-8.

Adopted.

HB 464-FN-A, making merchant marine veterans eligible for veterans' bonus programs and authorizing such payments from the general fund. OUGHT TO PASS WITH AMENDMENT

Rep. George R. Rubin for Public Protection and Veterans Affairs: This bill recognizes merchant marine veterans who served during World War II as bonafide veterans. However, this does not make the payment of bonus to them retroactive. The amendment to HB 464 recognizes merchant marine members who served in World War II as bonafide World War II veterans, this does not make the payment of bonuses retroactive to these veterans. Vote 16-0.

Amendment (1300B)

Amend the title of the bill by replacing it with the following:

AN ACT

recognizing merchant marines who served in World War II
as World War II veterans.

Amend the bill by replacing all after the enacting clause with the following:

1 Merchant Marines Veterans of World War II. Persons who served in the merchant marine during World War II are hereby recognized as veterans under state law. Merchant marine World War II veterans shall qualify for veterans' property tax credits under RSA 72 and other veterans' preferences granted by statute. Merchant marine World War II veterans shall not qualify for the bonus payments granted in 1943, 201, as amended by 1945, 75.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill recognizes persons who served in the merchant marine during World War II as World War II veterans. Merchant marine World War II veterans qualify for veterans' property tax credits under RSA 72 and for other veterans' preferences granted by statute, but are not eligible for the bonus payments paid other World War II veterans.

Rep. John Flanders spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 249-FN-A, relative to a lease-purchase agreement between the city of Franklin and the state to construct a new district courthouse. OUGHT TO PASS

Rep. John P. Chandler for Public Works: The present facilities for the Franklin District Court clearly are substandard by all evaluations. The City of Franklin has the land and is willing to assume the bonding burden at a time when the state probably should not. Moreover, the city also has the money and commitment to build a new police station which would be on the same site.

Thus, the committee recommended Ought To Pass so that integrated planning on the part of the city may proceed. Vote 19-0.

Adopted and referred to Appropriations.

HB 661-FN-A, relative to the highway and bridge betterment program fund, establishing transportation programs, increasing the road toll on users of motor fuel, and levying a gasoline floor tax. RE-REFER TO COMMITTEE

Rep. John P. Chandler for Public Works: The committee could not support an increase in the gas tax when the state is just emerging from a severe recession and the outcome of several bills sponsored by the Highway Fund Sources and Disbursements Study are not yet known. On the other hand, it is now apparent that the federal government does not intend to raise the federal gas tax, and the committee does support additional funding particularly for highway and bridge maintenance and repairs on state and municipal highways. Also, it is not clear at this time how the Governor's budget proposal or House Bill 605, which would tax diesel fuel at the pump, would assist municipalities in dealing with the very serious bridge problem. Moreover, there are questions as to whether the Highway Fund can supply the match necessary for all available federal ISTEA funds. Therefore, the committee wished to keep the bill in its possession and possibly next year the economic climate may be more favorable for consideration of an increase in the state gas tax for sorely needed highway and bridge repairs. Vote 16-1.

Adopted.

HB 667-FN, relative to relocating certain state offices on the Laconia developmental services site and relocating the lakes region correctional facility. INEXPEDIENT TO LEGISLATE

Rep. Terence R. Pfaff for Public Works: While this bill certainly addresses alternate uses for the Laconia site, it neglects to address the current use by other state agencies. The 1991 Legislature made a decision to move forward with the use of this facility. The Shock Incarceration Unit to date has proven successful. Currently only 15 percent of the Laconia site is being utilized by Corrections. In 1982 Truth in Sentencing became law. By 1984 the need for prison space became critical. The Laconia site has been one way to address this need. Senate Bill 141 is on its way from the Senate and would establish a study committee to deal with relocation of the Corrections facility from this area. Vote 16-1.

Rep. Rosen spoke in favor.

Adopted.

HB 684-L, relative to the Wolfeboro airport and making an appropriation therefor. OUGHT TO PASS

Rep. Raymond Buckley for Public Works: This bill makes an appropriation for a five percent match for the purpose of necessary land acquisition and improvement of the Wolfeboro airport. The continued operation of the Wolfeboro airport, under municipal jurisdiction, will increase the town's and the region's access to income and jobs. If the airport is not purchased by the municipality in the relatively near future it would not survive. Funding for this appropriation comes from the issuance of 20-year state bonds, and the appropriation is contingent upon the receipt of matching federal and local funds. Vote 20-0.

Adopted and referred to Appropriations.

HB 435-FN, relative to an alternate state contribution for surface water treatment systems. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 435, as amended, establishes a system whereby state assistance becomes available to municipal water systems to achieve compliance with the requirements of the surface water treatment rules of the Safe Drinking Water Act. The assistance program will be similar to that provided for municipal waste water treatment plants. Vote 11-5.

Amendment (1496B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Aid to Municipal Water Systems. Amend RSA by inserting after Chapter 486 the following new chapter:

CHAPTER 486-A
AID TO MUNICIPAL WATER SYSTEMS

486-A:1 Purpose. The purpose of this chapter is to provide a state contribution to aid public water systems in achieving compliance with the requirements of the surface water treatment rules of the federal Safe Drinking Water Act.

486-A:2 Definitions. In this chapter:

I. "Construction" means engineering services including exploration costs and feasibility studies, in addition to the construction of new wells, well buildings, or filtration systems, and pump stations, pump equipment, chemical treatment systems, telemetry and metering equipment, storage tanks, and distribution mains, valves to meet the requirements of the surface water treatment rules of the division or the Environmental Protection Agency, or both, and other distribution mains that may be under order by the division or the Environmental Protection Agency, or both, to be upgraded, and other appurtenances necessary to the system to meet the order or orders; and the altering, improving or adding to existing water systems, pumping stations, storage tanks, filter systems or well systems, provided that the construction is an undertaking designed to meet the requirements of the surface water treatment rules of the division or the Environmental Protection Agency, or both.

II. "Division" means the water supply and pollution control division of the department of environmental services.

III. "Municipality" means county, city, town, or village district.

IV. "Original costs" means the entire cost of the construction as defined above, including land acquisition which shall be an integral part of a system process, easements, and rights of way necessary to the project to meet the order; and any administrative, legal, and fiscal costs related to the project including interest cost on short term notes used to pay for any construction which shall be paid off by federal grants in one lump sum upon federal acceptance of the portion of the final construction phase which the federal grant reimburses.

V. "EPA" means the United States Environmental Protection Agency.

486-A:3 State Contribution.

I. The town of Ashland, or any municipality which is or was required to achieve compliance with the surface water treatment rules of the EPA and the New Hampshire department of environmental services since 1989 shall be entitled to a state contribution. As its contribution, the state shall pay 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible costs resulting from the construction of new wells or a filtration system to meet the requirements of the surface water treatment rules.

II. To be eligible under this chapter, construction shall be necessary in order for the municipality to comply with the surface water treatment rules of the division and the EPA, or both. Plans for construction shall be approved in accordance with the provisions of RSA 485:8.

486-A:4 Additional State Contribution.

I. In addition to any other state contribution provided in this chapter, the commissioner of the department of environmental services, with the approval from the governor and council, may, upon review of plans submitted by a municipality and within the limits of available appropriations, pay 10 percent of the annual amortization charges, meaning principal and interest, on the eligible costs resulting from the installation and construction of water supply facilities required by the surface water treatment rules of the Safe Drinking Water Act.

II. This additional contribution may be provided when such installation or construction will result in user fees that are 20 percent above the statewide average for residential customers.

486-A:5 Equitable Allocation of Costs. The division shall not approve any contribution under this chapter unless it shall first have determined that the applicant:

I. Has adopted or will adopt a system of charges to assure that each recipient of water service within the applicant's jurisdiction, as determined by the division, will pay his proportionate share of the costs of operation and maintenance, including replacement, of water services provided by the applicant.

II. Has legal, institutional, managerial, and financial capability to ensure adequate construction, operation, and maintenance of water works throughout the applicant's jurisdiction.

486-A:6 Application for Funding. Application for payments under the provisions of this chapter shall be made in accordance with rules adopted by the division under RSA 541-A, and shall be based upon reports filed with the division prior to January 31, in the calendar year for which payment is being requested.

486-A:7 Applicant Agreement. Applications for state grants under this chapter shall contain an agreement that the applicant:

I. Has installed the water works facilities in accordance with the plans and specifications approved by the division;

II. Will provide proper and efficient operation and maintenance of facilities;

III. Agrees that failure to install the facilities in accordance with the approved plans and specifications or to provide proper and efficient operation and maintenance of such facilities shall result in loss of payments of the annual grant installment next following such failure. The loss of payment of the annual grant installment shall continue in effect until such time as the applicant has completed the steps necessary to install the facilities in accordance with plans and specifications approved by the division, or made provisions for proper and efficient operation and maintenance of the facilities in accordance with division instructions or both.

486-A:8 Priority of Applications. The department of environmental services shall establish and maintain a priority list of projects eligible to receive grants under RSA 486-A:3. The priority list shall include the highest priority projects ready for construction and anticipated to receive grants from appropriated funds within the next fiscal year. The commissioner or designee shall hold an annual public hearing to receive testimony on the projects recommended by the department to receive grants in the next fiscal year. After considering the testimony offered at the hearing, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly. The list required by this section shall not be considered rules subject to the provisions of RSA 541-A.

486-A:9 Administration. The division shall perform the following functions related to the administration of the provisions of this chapter:

I. Assist municipalities to:

(a) Develop an acceptable grant application for funding under RSA 486-A.

(b) Conduct pre-construction conferences.

II. Review the defined project and confirm that it meets the surface water treatment rule requirements of the state of New Hampshire and the EPA in accordance with the requirements of 40 CFR Subpart H. and all other orders or directives.

III. Review and approve preliminary and final facilities' plans for the defined project.

IV. Review construction plans and specifications in accordance with RSA 485:8.

V. Process grant applications for state approval.

VI. Approve construction plans and specifications and issue authorizations to advertise contracts for bids.

VII. Review and approve any revisions to plans and specifications prior to formal advertisement by the municipality.

VIII. Review and approve formal addenda to plans and specifications during the formal advertising process.

IX. Review bid documentation to establish the low responsive and responsible bidder.

X. Issue authorization to award the construction contract to the lowest responsive and responsible bidder.

XI. Perform periodic site inspections to ensure compliance with executed construction contract documents.

XII. Review and approve operation and maintenance manuals.

XIII. Review and approve change orders during the construction period.

XIV. Review all invoices related to the project submitted to the grantee on a monthly basis.

XV. Conduct a final inspection of completed facilities and certify substantial completion.

XVI. Based upon a satisfactory final project inspection, review and approve final eligible costs and authorize release of retainage.

2 Positions Established. The department of environmental services, division of water supply and pollution control, may establish one sanitary engineer III position and one program manager

position. These positions shall be classified employees, qualified by reason of education and experience, who shall administer the surface water treatment rule assistance program established in this chapter.

3 Appropriation.

I. The sum of \$300,000 for the fiscal year ending June 30, 1994, and the sum of \$500,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of environmental services, division of water supply and pollution control for the purpose of providing the 20 percent state contribution established in RSA 486-A as inserted by section 1 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The sum of \$202,839 for the fiscal year ending June 30, 1994, and the sum of \$194,439 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of environmental services, division of water supply and pollution control for the purposes described in paragraph III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

III. The sums appropriated in paragraph II of this section shall be expended as follows:

03 Resource protection

04 Environmental services

03 Water pollution division

04 Water supply programs

04 Surface water treatment grants

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
10 Personal services - permanent	\$ 83,616	\$ 83,616
20 Current expenses	5,000	5,000
30 Equipment	8,400	- 0 -
60 Benefits	25,085	25,085
70 In-state travel	2,000	2,000
80 Out-of-state travel	500	500
90 Technical support	<u>78,238</u>	<u>78,238</u>
Total	\$202,839	\$194,439

4 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill entitles certain municipalities required to achieve compliance with the Safe Drinking Water Act by constructing a new well or installing a filtration system for surface water treatment to a state contribution of 20 percent of the annual amortization charges, meaning principal and interest, on the original costs the system.

Adopted.

Rep. Dickinson offered a floor amendment and spoke in favor.

Floor Amendment (1749B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Aid to Public Water Systems. Amend RSA by inserting after Chapter 486 the following new chapter:

CHAPTER 486-A AID TO PUBLIC WATER SYSTEMS

486-A:1 Purpose. The purpose of this chapter is to provide a state contribution to aid all public water systems in achieving compliance with the requirements of the surface water treatment rules of the federal Safe Drinking Water Act.

486-A:2 Definitions. In this chapter:

I. "Construction" means engineering services including exploration costs and feasibility studies, in addition to the construction of new wells, well buildings, or filtration systems, and pump stations, pump equipment, chemical treatment systems, telemetry and metering equipment,

storage tanks, and distribution mains, valves to meet the requirements of the surface water treatment rules of the division or the Environmental Protection Agency, or both, and other distribution mains that may be under order by the division or the Environmental Protection Agency, or both, to be upgraded, and other appurtenances necessary to the system to meet the order or orders; and the altering, improving or adding to existing water systems, pumping stations, storage tanks, filter systems or well systems, provided that the construction is an undertaking designed to meet the requirements of the surface water treatment rules of the division or the Environmental Protection Agency, or both.

II. "Division" means the water supply and pollution control division of the department of environmental services.

III. "Municipality" means county, city, town, or village district.

IV. "Original costs" means the entire cost of the construction as defined above, including land acquisition which shall be an integral part of a system process, easements, and rights of way necessary to the project to meet the order; and any administrative, legal, and fiscal costs related to the project including interest cost on short term notes used to pay for any construction which shall be paid off by federal grants in one lump sum upon federal acceptance of the portion of the final construction phase which the federal grant reimburses.

V. "EPA" means the United States Environmental Protection Agency.

486-A:3 State Contribution.

I. Any public water system which is or was required to achieve compliance with the surface water treatment rules of the EPA and the New Hampshire department of environmental services since 1989 shall be entitled to a state contribution. As its contribution, the state shall pay 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible costs resulting from the construction of new wells or a filtration system to meet the requirements of the surface water treatment rules.

II. To be eligible under this chapter, construction shall be necessary in order for the public water system to comply with the surface water treatment rules of the division and the EPA, or both. Plans for construction shall be approved in accordance with the provisions of RSA 485:8.

486-A:4 Additional State Contribution.

I. In addition to any other state contribution provided in this chapter, the commissioner of the department of environmental services, with the approval from the governor and council, may, upon review of plans submitted by a public water system and within the limits of available appropriations, pay 10 percent of the annual amortization charges, meaning principal and interest, on the eligible costs resulting from the installation and construction of water supply facilities required by the surface water treatment rules of the Safe Drinking Water Act.

II. This additional contribution may be provided when such installation or construction will result in user fees that are 20 percent above the statewide average for residential customers.

486-A:5 Equitable Allocation of Costs. The division shall not approve any contribution under this chapter unless it shall first have determined that the applicant:

I. Has adopted or will adopt a system of charges to assure that each recipient of water service within the applicant's jurisdiction, as determined by the division, will pay his proportionate share of the costs of operation and maintenance, including replacement, of water services provided by the applicant.

II. Has legal, institutional, managerial, and financial capability to ensure adequate construction, operation, and maintenance of water works throughout the applicant's jurisdiction.

486-A:6 Application for Funding. Application for payments under the provisions of this chapter shall be made in accordance with rules adopted by the division under RSA 541-A, and shall be based upon reports filed with the division prior to January 31, in the calendar year for which payment is being requested.

486-A:7 Applicant Agreement. Applications for state grants under this chapter shall contain an agreement that the applicant:

I. Has installed the water works facilities in accordance with the plans and specifications approved by the division;

II. Will provide proper and efficient operation and maintenance of facilities;

III. Agrees that failure to install the facilities in accordance with the approved plans and specifications or to provide proper and efficient operation and maintenance of such facilities

shall result in loss of payments of the annual grant installment next following such failure. The loss of payment of the annual grant installment shall continue in effect until such time as the applicant has completed the steps necessary to install the facilities in accordance with plans and specifications approved by the division, or made provisions for proper and efficient operation and maintenance of the facilities in accordance with division instructions or both.

486-A:8 Priority of Applications. The department of environmental services shall establish and maintain a priority list of projects eligible to receive grants under RSA 486-A:3. The priority list shall include the highest priority projects ready for construction and anticipated to receive grants from appropriated funds within the next fiscal year. The commissioner or designee shall hold an annual public hearing to receive testimony on the projects recommended by the department to receive grants in the next fiscal year. After considering the testimony offered at the hearing, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly. The list required by this section shall not be considered rules subject to the provisions of RSA 541-A.

486-A:9 Administration. The division shall perform the following functions related to the administration of the provisions of this chapter:

- I. Assist public water systems to:
 - (a) Develop an acceptable grant application for funding under RSA 486-A.
 - (b) Conduct pre-construction conferences.
- II. Review the defined project and confirm that it meets the surface water treatment rule requirements of the state of New Hampshire and the EPA in accordance with the requirements of 40 CFR Subpart H. and all other orders or directives.
- III. Review and approve preliminary and final facilities' plans for the defined project.
- IV. Review construction plans and specifications in accordance with RSA 485:8.
- V. Process grant applications for state approval.
- VI. Approve construction plans and specifications and issue authorizations to advertise contracts for bids.
- VII. Review and approve any revisions to plans and specifications prior to formal advertisement by the public water system.
- VIII. Review and approve formal addenda to plans and specifications during the formal advertising process.
- IX. Review bid documentation to establish the low responsive and responsible bidder.
- X. Issue authorization to award the construction contract to the lowest responsive and responsible bidder.
- XI. Perform periodic site inspections to ensure compliance with executed construction contract documents.
- XII. Review and approve operation and maintenance manuals.
- XIII. Review and approve change orders during the construction period.
- XIV. Review all invoices related to the project submitted to the grantee on a monthly basis.
- XV. Conduct a final inspection of completed facilities and certify substantial completion.
- XVI. Based upon a satisfactory final project inspection, review and approve final eligible costs and authorize release of retainage.

486-A:10 Notice to Public Utilities Commission. Any public water system regulated by the public utilities commission shall notify the public utilities commission when it receives funds under the provisions of this chapter, to ensure that the money received is not used in calculating rate setting.

2 Positions Established. The department of environmental services, division of water supply and pollution control, may establish one sanitary engineer III position and one program manager position. These positions shall be classified employees, qualified by reason of education and experience, who shall administer the surface water treatment rule assistance program established in this chapter.

3 Appropriation.

I. The sum of \$300,000 for the fiscal year ending June 30, 1994, and the sum of \$500,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of environmental services, division of water supply and pollution control for the purpose of providing the

20 percent state contribution established in RSA 486-A as inserted by section 1 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. The sum of \$202,839 for the fiscal year ending June 30, 1994, and the sum of \$194,439 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of environmental services, division of water supply and pollution control for the purposes described in paragraph III. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

III. The sums appropriated in paragraph II of this section shall be expended as follows:

- 03 Resource protection
 - 04 Environmental services
 - 03 Water pollution division
 - 04 Water supply programs
 - 04 Surface water treatment grants

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
10 Personal services - permanent	\$ 83,616	\$ 83,616
20 Current expenses	5,000	5,000
30 Equipment	8,400	- 0 -
60 Benefits	25,085	25,085
70 In-state travel	2,000	2,000
80 Out-of-state travel	500	500
90 Technical support	78,238	78,238
Total	\$202,839	\$194,439

4 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill entitles all public water systems required to achieve compliance with the Safe Drinking Water Act by constructing a new well or installing a filtration system for surface water treatment to a state contribution of 20 percent of the annual amortization charges, meaning principal and interest, on the original costs of the system.

Adopted.

Report adopted and referred to Appropriations.

HB 103-FN, requiring 50 percent of moose hunting licenses for each county to be allocated to county residents. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: The committee felt that the present lottery system is fair and equitable to everyone, and furthermore the Legislature should let the Fish and Game Department and its biologist set the numbers to establish a stable moose population. Vote 13-1.

Adopted.

HB 150, modifying the number of deer an archery licensee may be entitled to take. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. McGuirk for Wildlife and Marine Resources: The Committee incorporated HB 151, which also dealt with taking of deer, into HB 150. HB 150, as amended, deals with sportsmen who are in default with any judicial system in the State and the prohibitions and penalties involved because of such default. Vote 10-1.

Amendment (1471B)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting hunting, fishing and trapping by a person who is
in default with any judicial system in the state.

Amend the bill by replacing all after the enacting clause with the following:

1 Hunting After Revocation. RSA 214:21 is repealed and reenacted to read as follows:

214:21 Hunting, Etc. After Revocation; Eligibility for License.

I. No person who has had a license or privilege suspended or revoked shall take or attempt to take the wildlife permitted to be taken by said license. A person whose license or privilege has been revoked indefinitely or for a period of time under any provision of this chapter shall be ineligible to purchase a new license before the expiration of the stated period without the prior written approval of the executive director. No person shall be eligible to receive any license issued by the fish and game department if he is in arrears for any fines or costs for a violation of the laws relative to fish and game. Any person violating the provisions of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

2 New Section; Hunting While in Default. Amend RSA 214 by inserting after section 21 the following new section:

214:21-a Hunting When in Default; Eligibility for License.

I. No person shall hunt, fish, trap or engage in any activity regulated by this title if such person is in default with any state court for the violation of any section of title XVIII and such person's privilege to hunt, fish, trap or engage such activities shall be suspended by the executive director.

II. No person shall purchase any license issued by the department if such person is in default with any state court for the violation of any section of this title.

III. The executive director shall notify the commissioner of safety of any persons who are in arrears for any fines or costs or who are in default with any judicial system of this state for the violation of any section of this title. The commissioner of safety shall suspend the person's privilege to operate a motor vehicle in this state. The commissioner shall be entitled to assess a reinstatement fee against any persons whose privilege to operate a motor vehicle was suspended pursuant to this section and is subsequently restored.

IV. Any person who has had a license or privilege suspended or revoked pursuant to paragraph I of this section shall apply to the executive director before such license shall be restored.

V. The executive director shall assess and collect a \$50 reinstatement fee against any person whose privileges are suspended as permitted in paragraph I of this section prior to the reinstatement of said privileges. This paragraph may be waived by the executive director for just cause.

VI. Any person who violates any provision of this section shall be guilty of a misdemeanor.

3 Repeal. RSA 214:37, III, relative to penalties for hunting, fishing or trapping after revocation, is repealed.

4 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill modifies the ability to purchase a license after revocation and prohibits hunting, fishing and trapping if the person is in default with any judicial system in the state. This bill also requires the commissioner of safety to suspend a person's privilege to operate a motor vehicle if such person is in arrears for any fine or costs for the violation of any fish and game statute.

This bill is a request of the department of fish and game.

Adopted.

Report adopted and ordered to third reading.

HB 575-FN, prohibiting bear dog training. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.

Rep. Joseph Schanda, Sr. for the Majority of Wildlife and Marine Resources: Because the committee was split on this bill, it was obvious that more study was necessary to resolve the issue of using dogs for hunting bear. Vote 7-4.

Rep. Linda Ann Smith for the Minority of Wildlife and Marine Resources: The Minority firmly believe this bill is needed. The Minority is not against bear hunting; it is opposed to the training and using of dogs to take bears. There is no justification for the damage i.e. killing, mutilation of our bears and their cubs by dogs. Bears are no longer thought of as nuisances. They have been elevated to the "trophy" animal status, and should be hunted with dignity as are other large game animals. The committee received 52 letters in support of the bill and 35 in opposition.

Rep. Alan Wiggin moved Recommit to Committee.
Adopted.

HB 388, relative to disclosures by the seller of real property. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clerk for Commerce, Small Business and Consumer Affairs: This bill requires sellers of property to disclose in writing upon written request of the buyer information relative to insulation and any structural defects the seller has knowledge of prior to the execution of any purchase and sale of real estate, which includes a building. The committee, once assured that an equal burden of proof fell upon both the buyer and seller, felt that this legislation had merit and insured that independent sellers and buyers were receiving pertinent information comparable to sales handled by real estate brokers. Vote 16-0.

Rep. Bonnie Packard moved Recommit to Committee and spoke in favor.

Rep. Harwell spoke against.

Adopted.

HB 389, relative to information which need not be disclosed in the sale of property. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clerk for Commerce, Small Business and Consumer Affairs: This bill makes it clear that owners of real estate or their agents shall be prohibited from disclosing to a prospective buyer that a property had been occupied by a person with AIDS. This brings state statute in compliance with federal law. The bill also declares no cause of action shall arise against an owner of real estate or agent for failure to disclose that the property was the site of a homicide, other felony or suicide. Testimony from real estate brokers adequately demonstrated the need for this bill. Vote 13-1.

Rep. Bonnie Packard moved Recommit to Committee and spoke in favor.

Rep. Harwell spoke against.

Adopted.

HB 456-FN, modifying the bail statutes relative to persons arrested for violating certain protective orders. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: This bill places in the bail statute a provision for mandatory arrest and detention of a person who violates a domestic violence restraining order. The identical provision is already on the books in RSA 173-B, the domestic violence chapter, and RSA 458, the divorce chapter, but is largely overlooked by police and bail commissioners. The committee believes that by repeating the language in the bail chapter which is regularly referred to by police officers and bail commissioners it is more likely that the mandatory arrest and detention law will be observed and the parties to a domestic violence situation will have a "cooling off" period. The amendment adds a reference to include protective orders issued in divorce situations where there is the threat of violence. Vote 17-0.

Amendment (1591B)

Amend RSA 597:7-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A peace officer shall arrest and detain an accused until he can be brought before a justice if the accused violates either a temporary or permanent protective order issued under RSA 173-B or RSA 458:16, III by committing assault, criminal trespass, criminal mischief or another criminal act.

Adopted.

Rep. Harwell moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Lozeau spoke against.

The motion failed.

Report adopted and ordered to third reading.

HB 666-FN-L, increasing fees charged by sheriffs and deputy sheriffs. INEXPEDIENT TO LEGISLATE

Rep. Tyler P. Harwell for Judiciary: This bill would double the fees that sheriffs and deputies charge for service of civil writs. The Sheriffs Association was opposed. The committee was of the opinion that no increases could be justified. Vote 14-0.

Rep. Shaw moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Lown and Harwell spoke against.

Rep. Hart spoke against and yielded to questions.

The motion failed.

Report adopted.

HB 370, establishing a local government advisory committee. **INEXPEDIENT TO LEGISLATE**

Rep. Eleanor H. Amidon for Legislative Administration: Communication would be facilitated by setting up advisory committees between local government and the Governor and legislative leaders but the process would be unwieldy and frustrating. The committee suggests that the Municipal Association is still the best vehicle for dialogue. Vote 14-0.

Rep. Horton moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Adopted.

HB 445-FN-A, requiring a study of state and local expenditures and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Shawn N. Jasper for Legislative Administration: It was not clear to the committee what the bill was intended to accomplish. Therefore, it was felt that \$50,000 was a substantial amount of money to spend to collect data. The Business and Industry Association has done a limited study of this matter and we would encourage the BIA to continue this effort and report any findings to the Legislature. Vote 14-0.

Adopted.

HB 629-FN-L, changing the interest rate on delinquent property taxes and subsequent taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Municipal and County Government: The Committee recognizes the hardships that can be caused by the interest rates on delinquent taxes during this period of economic recession. However, HB 629-FN-L creates interest rates which vary from year to year and would create collection and accounting problems. Vote 17-0.

Rep. Hanselman moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Trelfa and Perry spoke against.

Rep. Hawkins spoke in favor and yielded to questions.

Rep. Salatiello spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 132

NAYS 225

**YEAS 132
BELKNAP**

Hawkins, Robert

Lafiam, Robert

CARROLL

Wiggin, Gordon

CHESHIRE

Burnham, Daniel
Manning, Joseph
Russell, Ronald

DePecol, Benjamin
Richardson, Barbara

Kingsbury, H. Thayer
Riley, William

Lynch, Margaret
Robertson, Timothy

COOS

Coulombe, Henry
Mayhew, Josephine

Guay, Lawrence
Wiswell, James

Harwell, Tyler

Hawkinson, Marie

GRAFTON

Adams, Carl	Copenhaver, Marion	Croy, Elizabeth	Dow, David
Guest, Robert	Ham, Bonnie	Scanlan, David	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Andrews, Frederick	Arnold, Thomas, Jr.
Bagley, Amy	Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew
Buckley, Raymond	Clemons, Jane	Cote, David	Crotty, Edward
Daigle, Robert	Donovan, Francis	Drabinowicz, A. Theresa	Dwyer, Patricia
Fenton, James	Gage, Ruth	Haettenschwiler, Alphonse	Hanselman, Gregory
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Kirby, Thomas
L'Heureux, Robert	Lachut, Ervin	Laughlin, J. Francis	Leclerc, Charles
Lefebvre, Roland	Lown, Elizabeth	Lozeau, Donnalee	Messier, Irene
Milligan, Robert	Murphy, Robert	Nardi, Theodora	O'Rourke, Joanne
Pepino, Leo	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Rodgers, G. Philip	Smith, Leonard	Soucy, Donna	Toomey, Kathryn
Turgeon, Roland	Wells, Peter, Sr.		

MERRIMACK

Barberia, Richard	Braiterman, Thea	Feuerstein, Martin	French, Barbara
Houlahan, Thomas	Johnson, Joyce May	Moore, Carol	Newland, Matthew
Owen, Derek	Regan, Maurice	Rogers, Katherine	Soldati, Jennifer
Trombly, Rick	Wallner, Mary Jane	Yeaton, Charles	

ROCKINGHAM

Bell, Juanita	Boucher, William	Campbell, Marilyn	Caswell, Albert, Jr.
Clark, Martha	Crossman, Harold, Jr.	Hurst, Sharleene	Kane, Cecelia
McGovern, Cynthia	O'Keefe, Patricia	Pantelakos, Laura	Pullman, Robert
Richards, David	Rosencrantz, James	Schanda, Joseph, Sr.	Splaine, James
Syracusa, Anthony	Teminko, Margaret	Williamson, William	

STRAFFORD

Brown, Julie	Chagnon, Ronald	Gilmore, Gary	Hambrick, Patricia
Hashem, Elaine	Hemon, Roland	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda	Merritt, Deborah
Pageotte, Donald	Pelletier, Arthur	Pelletier, Marsha	Sullivan, Henry
Torr, Franklin	Torr, Ralph	Vincent, Francis	Wheeler, Katherine

SULLIVAN

Allison, David	Burling, Peter	Flint, Gordon	Holl, Ann
Kane, Joan	Palmer, Lorraine	Stamatakis, Carol	

NAYS 225**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhurst, Glenn
Golden, Paul	Hauck, William	Holbrook, Robert	Johnson, Carl
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Smith, Linda
Turner, Robert	Ziegler, Alice		

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy
Mock, Henry	Philbrick, Donald	Saunders, Howard	Wiggin, Allen

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	Cole, Stacey
Delano, Robert	Foster, Katherine	Hunt, John	McNamara, Wanda
Metzger, Katherine	Pearson, Gertrude	Perry, David	Royce, H. Charles
Smith, Edwin	Young, David		

COOS

Foss, Frederic

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Below, Clifton

Chase, Paul, Jr.

Larson, Nils, Jr.

Teschner, Douglass

White, Paul

Brown, Alson

Driscoll, William

McIlwaine, Deborah

Trelfa, Richard

Brown, Channing

Gordon, Edward

Nordgren, Sharon

Wadsworth, Karen

Brown, Patricia

Hill, Richard

Rose, William

Ward, Kathleen

HILLSBOROUGH

Ahern, Richard

Bowers, Dorothy

Chabot, Robert

Dodge, Emma

Dyer, Merton

Foster, Linda

Gosselin, Gerald

Holden, Carol

Jean, Loren

Lessard, Rudy

McNerney, Daniel

Moncrief, Keith

Paquette, Rodolphe

Rheault, Lillian

Tate, Joan

White, John

Ahrens, Frederick

Burke, M. Virginia

Cowenhoven, Garret

Domainque, Jacquelyn

Dykstra, Leona

Franks, Suzan

Greenberg, Gary

Holley, Sylvia

Kelley, Dana

Martin, Mary Ellen

McRae, Karen

Moore, Elizabeth

Perkins, Paul

Riley, Frances

Vanderlosk, Stanley

Wright, George

Amidon, Eleanor

Calawa, Leon, Jr.

Daniels, Gary

Drolet, Paul

Ferguson, Charles

Gagnon, Eugene

Hart, Nick

Holt, David

Kelley, Robert

McCann, Bonnie

Mercer, Robert

Morrissette, Roland

Peters, Stanley

Sargent, Maxwell

Weergang, Alida

Arnold, Barbara

Cepaitis, Elizabeth

Desrosiers, William

Durham, Susan

Fields, Dennis

Gervais, Glen

Healy, Daniel

Jasper, Shawn

Kurk, Neal

McCarty, Winston

Mittelman, David

Packard, Bonnie

Record, Alice

Smart, John

Wheeler, Robert

MERRIMACK

Buessing, Marjorie

Daneault, Gabriel

Gross, Caroline

Kennedy, Richard

Nichols, Avis

Teague, Bert

Willis, Jack

Carter, Susan

Dunn, Miriam

Hill, Michael

Kidder, William

Pfaff, Terence

Weeks, John, Jr.

Chandler, Earle

Fillion, Paul

Holmes, Mary

Langer, Ray

Shaw, Randall

Whalley, Michael

Chandler, John

Gibbreth, Robert

Johnson, C. William

Lockwood, Robert

Stapleton, Henry

Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn

Blake, Daniel

Clark, Vivian

Cote, Patricia

Dowling, Patricia

Fesh, Robert

Gage, Beverly

Johnson, Robert

Kruse, Fred

McKinney, Betsy

Noyes, Richard

Raynowska, Bernard

Skinner, Patricia

Sytek, John

Amdt, Janet

Bove, Martin

Coes, Betsy

Crum, William, Jr.

Drake, Herbert

Flanagan, Natalie

Gargiulo, Louis

Katsakiores, George

Lee, Rebecca

Miller, Don

Packard, Sherman

Ritzo, Eugene

Smith, Arthur

Vaughn, Charles

Battles, Marjorie

Chester, Sherman

Conroy, Janet

DiPietro, Carmela

Dube, LeRoy

Flanders, David

Gorman, Donald

Katsakiores, Phyllis

Lovejoy, Marian

Moore, Benjamin

Pratt, Katharin

Rubin, George

St. Martin, Tommy

Woods, Deborah

Beaulieu, Jon

Christie, Andrew, Jr.

Cote, Charles

Dowd, Sandra

Felch, Charles, Sr.

Flanders, John, Sr.

Hemenway, Thomas

Klemarczyk, Thaddeus

Malcolm, Kenneth

Newman, Rick

Putnam, Ed, II

Senter, Merilyn

Stone, Joseph

Yennaco, Carol

STRAFFORD

Brown, George

Hilliard, Dana

McKinley, Robert

Torr, Ann

Callaghan, Frank

Keans, Sandra

Nehring, William

Wasson, Richard

Douglass, Clyde

Kincaid, William

Snyder, Clair

Dunlap, Patricia

Knowles, William

Spears, Barbara

SULLIVAN

Behrens, Thomas	Cloutier, John	Domini, Irene	Lindblade, Eric
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	

and the motion failed.
Report adopted.

(Rep. Michael Hill in the Chair)

HB 522, relative to the observance of Memorial Day. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Smart for Public Protection and Veterans Affairs: This bill was supported by organizations such as the school and state employees unions, Associated General Contractors and the Retail Grocers Association. The preponderance of individual testimony and veteran organizations in opposition was sufficient for the committee to recommend ITL. Vote 15-1.

Rep. Marsha Pelletier moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor

Rep. Lefebvre spoke against.

Rep. Dana Kelley spoke in favor.

Reps. Cogswell, Smart and Fields spoke against and yielded to questions.

Rep. Ritzo requested a quorum count. The Chair declared a quorum present.

Reps. Gargiulo, Laflam and Ritzo spoke in favor and yielded to questions.

(Speaker Burns in the Chair)

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 209**NAYS 148****YEAS 209****BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Hawkins, Robert
Laflam, Robert	Lawton, David	Rice, Thomas, Jr.	Salatiello, Thomas

CARROLL

Beach, Mildred	Philbrick, Donald	Saunders, Howard
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CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Delano, Robert	Foster, Katherine	Hunt, John
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McNamara, Wanda
Pearson, Gertrude	Perry, David	Richardson, Barbara	Riley, William
Robertson, Timothy	Royce, H. Charles	Smith, Edwin	

COOS

Coulombe, Henry	Guay, Lawrence	Hawkinson, Marie	Horton, Lynn
Mayhew, Josephine	Pratt, Leighton		

GRAFTON

Adams, Carl	Below, Clifton	Brown, Channing	Brown, Patricia
Copenhaver, Marion	Croy, Elizabeth	Gordon, Edward	Guest, Robert
McIlwaine, Deborah	Nordgren, Sharon	Scanlan, David	Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Ahrens, Frederick	Allen, W. Gordon
Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.	Bagley, Amy
Bergeron, Normand	Buckley, Raymond	Burke, M. Virginia	Cepaitis, Elizabeth
Chabot, Robert	Clemons, Jane	Cote, David	Crotty, Edward
Desrosiers, William	Donovan, Francis	Drolet, Paul	Durham, Susan
Dwyer, Patricia	Dyer, Merton	Foster, Linda	Franks, Suzan
Gage, Ruth	Gosselin, Gerald	Haettenschwiller, Alphonse	Hanselman, Gregory

Hart, Nick
Johnson, Lionel
Lachut, Ervin
Messier, Irene
Nardi, Theodora
Plourde, Alphonse
Searles, Stanley, Sr.
Wheeler, Robert

Holt, David
Kelley, Dana
Lown, Elizabeth
Moncrief, Keith
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
White, John

Hunter, Bruce
Kelley, Robert
Martin, Mary Ellen
Moore, Elizabeth
Perkins, Paul
Rodgers, G. Philip
Toomey, Kathryn

Jean, Claudette
Kirby, Thomas
McCarty, Winston
Murphy, Robert
Philbrook, Paula
Sargent, Maxwell
Turgeon, Roland

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Gilbreth, Robert
Lockwood, Robert
Owen, Derek
Shaw, Randall
Wallner, Mary Jane

Buessing, Marjorie
Feuerstein, Martin
Hill, Michael
Moore, Carol
Pfaff, Terence
Soldati, Jennifer
Weeks, John, Jr.

Carter, Susan
Fillion, Paul
Johnson, C. William
Newland, Matthew
Regan, Maurice
Teague, Bert
Whalley, Michael

Daneault, Gabriel
French, Barbara
Johnson, Joyce May
Nichols, Avis
Rogers, Katherine
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Caswell, Albert, Jr.
Conroy, Janet
Fesh, Robert
Klemarczyk, Thaddeus
McGovern, Cynthia
O'Keefe, Patricia
Pullman, Robert
Senter, Marilyn
Syracusa, Anthony
Yennaco, Carol

Beaulieu, Jon
Christie, Andrew, Jr.
Crum, William, Jr.
Gargiulo, Louis
Kruse, Fred
McKinney, Betsy
Packard, Sherman
Richards, David
Skinner, Patricia
Sytek, John

Bell, Juanita
Clark, Martha
Dowd, Sandra
Hurst, Sharleene
Lovejoy, Marian
Miller, Don
Pantelakos, Laura
Ritzo, Eugene
Splaine, James
Vaughn, Charles

Campbell, Marilyn
Coes, Betsy
Dowling, Patricia
Kane, Cecelia
Malcolm, Kenneth
Newman, Rick
Pratt, Katharin
Rosencrantz, James
St. Martin, Tommy
Woods, Deborah

STRAFFORD

Chagnon, Ronald
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Snyder, Clair
Wasson, Richard

Dunlap, Patricia
Kincaid, William
McCann, William, Jr.
Pageotte, Donald
Spear, Barbara
Wheeler, Katherine

Hambrick, Patricia
Knowles, William
McGrath, J. Gregory
Pelletier, Arthur
Torr, Ann

Hashem, Elaine
Loder, Suzanne
Merrill, Amanda
Pelletier, Marsha
Torr, Franklin

SULLIVAN

Allison, David
Domini, Irene
Palmer, Lorraine

Behrens, Thomas
Flint, Gordon
Peyron, Fredrik

Burling, Peter
Kane, Joan
Schotanus, Merle

Cloutier, John
Lindblade, Eric
Stamatakis, Carol

NAYS 148 BELKNAP

Dewhirst, Glenn
Rosen, Ralph

Hauck, William
Smith, Linda

Holbrook, Robert
Turner, Robert

Johnson, Carl
Ziegra, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Allen

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Mock, Henry

CHESHIRE

Cole, Stacey

Metzger, Katherine

Russell, Ronald

Young, David

COOS

Foss, Frederic

Harwell, Tyler

Merrill, Gerald

Wiswell, James

GRAFTON

Brown, Alison	Chase, Paul, Jr.	Dow, David	Driscoll, William
Ham, Bonnie	Hill, Richard	LaMott, Paul	Larson, Nils, Jr.
Rose, William	Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen
White, Paul			

HILLSBOROUGH

Arnold, Barbara	Bergeron, Lucien	Borsa, Andrew	Bowers, Dorothy
Calawa, Leon, Jr.	Cowenhoven, Garret	Daigle, Robert	Daniels, Gary
Dodge, Emma	Domaingue, Jacquelyn	Drabinowicz, A. Theresa	Dykstra, Leona
Fenton, James	Ferguson, Charles	Fields, Dennis	Gagnon, Eugene
Gervais, Glen	Greenberg, Gary	Healy, Daniel	Holden, Carol
Holley, Sylvia	Jasper, Shawn	Jean, Loren	Kurk, Neal
L'Heureux, Robert	Laughlin, J. Francis	Leclerc, Charles	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	McCann, Bonnie	McNerney, Daniel
McRae, Karen	Mercer, Robert	Milligan, Robert	Mittelman, David
Morrisette, Roland	Packard, Bonnie	Paquette, Rodolphe	Pepino, Leo
Peters, Stanley	Record, Alice	Rheault, Lillian	Smart, John
Smith, Leonard	Tate, Joan	Vanderlosk, Stanley	Weergang, Alida
Wells, Peter, Sr.			

MERRIMACK

Barberia, Richard	Chandler, Earle	Chandler, John	Holmes, Mary
Houlahan, Thomas	Kennedy, Richard	Kidder, William	Langer, Ray
Stapleton, Henry	Ward, Jay	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Blake, Daniel	Boucher, William
Bove, Martin	Chester, Sherman	Clark, Vivian	Cote, Charles
Cote, Patricia	DiPietro, Carmela	Drake, Herbert	Dube, LeRoy
Felch, Charles, Sr.	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gorman, Donald	Hemenway, Thomas	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lee, Rebecca	Moore, Benjamin
Noyes, Richard	Putnam, Ed, II	Raynowska, Bernard	Rubin, George
Schanda, Joseph, Sr.	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Teminko, Margaret	Williamson, William		

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Douglass, Clyde
Gilmore, Gary	Hemon, Roland	Hilliard, Dana	McKinley, Robert
Nehring, William	Sullivan, Henry	Torr, Ralph	Vincent, Francis

SULLIVAN

Holl, Ann	Rodeschin, Beverly
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and the motion passed.

Ordered to third reading.

Rep. Guay informed the Clerk that he voted yea and intended to vote nay.

HB 310, relative to the definition of "bedroom" for the purposes of determining septic system size. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 310, as amended, places a definition of "bedroom" in the chapter concerning water pollution and waste disposal. While the Department of Environmental Services has been using a similar definition for a number of years, "bedrooms" have never been clearly defined in the statute. Vote 15-1.

Amendment (1253B)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Bedroom Defined for Determining Septic System Size. Amend RSA 485-A:2 by inserting after paragraph XIX the following new paragraph:

XX. "Bedroom" means a room furnished with a bed and intended primarily for sleeping, unless otherwise specified by local regulations.

AMENDED ANALYSIS

This bill defines a bedroom for the purposes of determining the load on a sewage or waste disposal system.

Adopted.

Rep. Conroy offered a floor amendment and spoke in favor.

Floor Amendment (1733B)

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Definition of Bedroom. Amend RSA 485-A:6 by inserting after paragraph XII the following new paragraph:

XIII. A room not long and narrow like hall
 No kitchen or bathroom fixtures attached to the wall
 No furnace erupting morning and night
 Though it does have a window to let in the light
 It has a piece of furniture known as a bed
 Where late in the evening one lays down one's head
 Not a room for dining or holding a dance
 It's for sleeping, dreaming and sometimes romance!

Adopted.

Report adopted and ordered to third reading.

REMARKS

Rep. Leonard Smith moved that the remarks of Rep. Conroy be printed in the Journal.

Adopted.

Rep. Conroy: As you know Resources has wrestled with LUST
 So the bedroom bill for them was a must
 Though it's most appropos on my amendment vote no
 And pass the one that's dry as a dust
 However, if you feel that we need to digress
 From this world of sadness and stress
 Say to the Senate, "by golly here's something that's jolly"
 And for this poetic amendment vote yes.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 10, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HJR 2, expressing the opposition of the general court to federal mandate legislation and asserting its right to determine and impose appropriate sanctions upon the driving privileges of offenders within its own state boundaries.

HB 108-L, permitting counties to establish special equipment accounts for registers of deeds.

HB 470-FN-L, allowing selectmen or assessors to abate interest accrued on property taxes.

HB 615-FN-L, recodifying the municipal budget law.

HB 464-FN-A, recognizing merchant marines who served in World War II as World War II veterans.

HB 150, prohibiting hunting, fishing and trapping by a person who is in default with any judicial system in the state.

HB 456-FN, modifying the bail statutes relative to persons arrested for violating certain protective orders.

HB 522, relative to the observance of Memorial Day.

HB 310, relative to the definition of "bedroom" for the purposes of determining septic system size.

UNANIMOUS CONSENT

Reps. Kurk and Lockwood addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 4:40 p.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 51-FN-A, 690-FN and 691-FN-A, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 51-FN-A, relative to establishing a tax on business enterprise value tax base and amending the business profits tax and business corporation act. (Gross, Merr/18, to Ways and Means)

HB 690-FN, allowing and regulating limited liability companies and professional limited liability companies. (Mercer, Hills/27; Syracuse, Rock/33; Delahunty, Dist/22, to Judiciary)

HB 691-FN-A, relative to gaming revenues and establishing a committee to study the marketing of state lotteries and attitudes concerning the expansion and regulation of gambling in the state and making an appropriation therefor. (Behrens, Sull/2; R. Kelley, Hills/18, to Regulated Revenues)

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 10

Wednesday, March 10, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of great compassion, lift us above every temptation to self service or ill will. Help us to discern whether our words actions are guided by a love for the common good or an infatuation with personal agendas. And make us vulnerable enough to bend towards Your will the full magnitude of our energies, that Your care may be revealed through our conversations and decisions. Amen.

Rep. Upton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Gross, William Riley, Ahlgren, Douglass, Eaton, Mason and O'Keefe, the day, illness.

Reps. Blake, Channing Brown, Thomas Cain, Calawa, Champagne, Crum, C. William Johnson, Kincaid, Rose Marie Rogers and Rosencrantz, the day, important business.

INTRODUCTION OF GUESTS

Betsy Parenta, Pam Scheideler, Paula Tanade and Scott Honde, guests of Rep. Knowles. Dorothy Gordon, guest of Rep. Gordon. Webelos, Den 4, Pack 136, Seamus Murphy, Brian Charles, Mike David, Jr., Chris Noyes, Chris Colby, Ryan Archie, Chris McConnell, Frank Roberts and Travis Archie and their leaders, Kevin Murphy, Rick Archie and Norman Denoncour, guests of Rep. Williamson. Duane Lander, guest of Rep. Kennedy. Ross Nelson and Ben Haines, guests of Rep. Paul McGuirk. Karen Elwell, guest of Rep. Senter.

EMPLOYEE OF THE MONTH

Sandy Guinan was recognized as the Employee of the Month. Rep. Michael Hill moved that the remarks regarding Ms. Guinan be printed in the Journal.

Adopted.

A native of Plymouth, Sandy Guinan graduated from Colby-Sawyer College and Plymouth State College majoring in English. Currently, Sandy lives in Concord and has recently completed coursework in paralegal studies. She has also taken courses towards her MBA. Sandy come to the Legislature as a secretary in 1982. In July of 1984, because of her talent and skills, she was promoted to supervisor of Stenographic Services. In those days, Steno was located in the State House and every January Sandy would rent a copier, hire sessional help and open a satellite office in the LOB for the session. Besides her own workload, she spent a great deal of time overseeing both offices in two buildings.

In 1987 the decision was made to permanently relocate Steno in the LOB and the office was renamed Secretarial Services. Sandy was promoted to the newly created position of Coordinator of Secretarial Services. Sandy's new responsibilities included supervision of the House Committee Assistants. Soon after her promotion, Sandy and the secretarial staff endured the LOB fire. Although her office was severely damaged and most of the equipment was lost, Sandy had her staff relocated and functioning the next day without any interruption in service to the members.

The Secretarial Services office was created to meet the legislative secretarial needs of all 400 members as well as the standing committees of the House. It takes a unique and devoted person such as Sandy to coordinate the large number of requests. Almost every legislator has had work done by Sandy or her staff. The staff has done everything from typing labels and letters to typing 50-page reports for committees. Every legislator has been greeted by a friendly staff person who was trained by Sandy to meet the secretarial needs of the member.

Sandy has dedicated the last 11 years of her professional life to the legislative process and because of her exemplary performance I would like to recognize her as an outstanding employee of the New Hampshire House of Representatives.

RESOLUTION

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 5 through 7, 9 through 14, 17, 18, 20, 22, 25 through 27, 31, 34, 37 through 39, 41 through 44, 46 through 52, 56, 57, 59, 60, 64, 65, 67, 72, 74 through 76, 78, 80 through 85, 92, 95 through 97, 100, 102, 105 through 109, 111, 114, 117, 121 through 125, 127, 129 through 134, 141, 142, 147, 149, 151, 152, 160, 164, 168, 172 through 175, 180, 182, 183, 185 through 187, 190, 193, 194, 202, 204, 205, 207, 221, 223, 227, 229, 230, 235, 239 through 241, 244, 245, 247 and SCR 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and SCR**First, second reading referral**

SB 5, repealing article 6 of the uniform commercial code on bulk sales and making conforming amendments. (Commerce, Small Business & Consumer Affairs)

SB 6, permitting the bank commissioner to regulate municipal development authorities and organizations and not-for-profit development organizations which become small business lenders through certain federal and state loan programs. (Commerce, Small Business & Consumer Affairs)

SB 7, changing the bonding requirement for mortgage brokers. (Commerce, Small Business & Consumer Affairs)

SB 9, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9. (Commerce, Small Business & Consumer Affairs)

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting article 4A of the uniform commercial code. (Commerce, Small Business & Consumer Affairs)

SB 11, allowing 15-year-old persons to bus tables in dining rooms. (Regulated Revenues)

SB 12, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages, and adding a new fee for certain wine and liquor vendors. (Regulated Revenues)

SB 13, extending the reporting date of the committee studying the effects of substance abuse on health care and economic costs to the state. (Legislative Administration)

SB 14, relative to package deals sponsored by liquor licensees. (Regulated Revenues)

SB 17-FN-A, establishing a committee to study methods of preventing and resolving disputes relative to educationally disabled students. (Education)

SB 18, increasing the amount of damage required to necessitate reporting a boating accident. (Transportation)

SB 20, relative to representation of business organizations in small claims court. (Judiciary)

SB 22, relative to foreclosure notification waiver. (Commerce, Small Business & Consumer Affairs)

SB 25, relative to charitable gifts of life insurance. (Commerce, Small Business & Consumer Affairs)

SB 26, relative to contracts between public adjusters and insureds. (Commerce, Small Business & Consumer Affairs)

SB 27, establishing a committee to study the apportionment of county taxes. (Municipal & County Government)

SB 31, repealing sections referring to the loyalty oath requirement which was repealed last year. (Education)

SB 34-FN-L, including traumatic brain injury and autism in the definition of "educationally disabled child." (Education)

SB 37, adding and redefining terms relative to the New Hampshire pharmacy board. (Health, Human Services and Elderly Affairs)

SB 38, protecting against unauthorized access to teacher certification records. (Judiciary)

SB 39, making a technical correction in the enhanced 911 system law and specifying a 4-year term for the executive director of the bureau of emergency communications. (Executive Departments & Administration)

SB 41, permitting selectmen to accept dedicated streets which have been approved by the planning board. (Municipal & County Government)

SB 42, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work. (Health, Human Services & Elderly Affairs)

SB 43, relative to the state board of auctioneers. (Commerce, Small Business & Consumer Affairs)

SB 44, adding to the membership of the emergency shelter commission. (Health, Human Services & Elderly Affairs)

SB 46, relative to involuntary transfer or discharge of patients in health care facilities. (Health, Human Services & Elderly Affairs)

SB 47, relative to prosecuting petitions under the uniform reciprocal enforcement of support act. (Children, Youth & Juvenile Justice)

SB 48, relative to the children's trust fund. (Children, Youth & Juvenile Justice)

SB 49, establishing a committee to study the feasibility of establishing a commercial shellfish and oyster aquaculture program. (Wildlife & Marine Resources)

SB 50, extending the report date and adding additional members to the law enforcement and prosecutor task force. (Corrections & Criminal Justice)

SB 51, relative to the authority of land surveyors to enter upon land. (Judiciary)

SB 52, relative to workers' compensation liability insurance and return of insurance premiums. (Labor, Industrial & Rehabilitative Services)

SB 56, relative to coverage for intra-family or inter-spousal claims under liability insurance policies. (Commerce, Small Business & Consumer Affairs)

SB 57, relative to accreditation under the insurance laws. (Commerce, Small Business & Consumer Affairs)

SB 59, relative to the privacy act. (Judiciary)

SB 60, relative to solicitation of prostitutes. (Corrections & Criminal Justice)

SB 64, extending the reporting date of the committee to study head injury cases. (Legislative Administration)

SB 65, requiring health care providers to disclose an ownership interest in any entity to which they refer patients. (Commerce, Small Business & Consumer Affairs)

SB 67, relative to wage assignment for child support. (Children, Youth & Juvenile Justice)

SB 72, relative to central business service districts. (Municipal & County Government)

SB 74, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. Executive Departments & Administration)

SB 75, allowing a property tax exemption for solar-powered electricity. (Municipal & County Government)

SB 76, establishing the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product for injury or damage caused by such product. (Commerce, Small Business & Consumer Affairs)

SB 78, requiring that student records of transferring students be provided upon request. (Education)

SB 80, restricting the use of motorized craft on Goose Pond in Keene and Turee Pond in Bow. (Transportation)

SB 81, creating a task force to coordinate resources addressing sexual assault and sexual harassment at postsecondary institutions. (Education)

SB 82, returning certain state-owned land to the town of Belmont. (Public Works)

SB 83, authorizing municipalities to adopt a property tax exemption for the totally and permanently disabled. (Municipal & County Government)

SB 84, relative to the disposition of land use fees by municipalities. (Municipal & County Government)

SB 85, relative to the composition of the wetlands board. (Resources, Recreation & Development)

SB 92, to rename the school for lifelong learning of the university system of New Hampshire, the college for lifelong learning of the university system of New Hampshire. (Education)

- SB 95**, revising, conditioning, or repealing the rulemaking authority of the state board of education. (Education)
- SB 96**, making the State Credit Union Act conform with the Federal Credit Union Act. (Commerce, Small Business & Consumer Affairs)
- SB 97**, establishing a committee to study parking at Hampton beach state park. (Public Works)
- SB 100**, protecting animal facilities and organizations or projects involving animals. (Environment & Agriculture)
- SB 102**, establishing a committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on the state and to study certain incentives and propose a state policy regarding the use of alternative transportation fuel vehicles. (Science, Technology & Energy)
- SB 105**, relative to the rulemaking authority of commissioners of state departments. (Executive Departments & Administration)
- SB 106**, relative to a northeast interstate dairy compact. (Environment & Agriculture)
- SB 107**, excluding services performed by real estate appraisers from the definition of "employment" for purposes of the unemployment compensation law. (Labor, Industrial & Rehabilitative Services)
- SB 108**, relative to uninsured and underinsured motorist coverage. (Commerce, Small Business & Industrial Affairs)
- SB 109**, relative to automobile liability insurance and tort liability for certain motor vehicle operations. (Commerce, Small Business & Industrial Affairs)
- SB 111**, relative to penalties for issuing bad checks and authorizing a pilot bad check restitution program. (Corrections & Criminal Justice)
- SB 114**, relative to minors' settlements. (Judiciary)
- SB 117**, relative to the appointment of and payment of fees to guardians ad litem. (Judiciary)
- SB 121**, nullifying the law which amends RSA 457:29 relative to marriage license fees effective July 1, 1994, and raising the fee for marriage licenses. (Ways & Means)
- SB 122**, entitling Persian Gulf War veterans to the standard \$50 veterans' tax credit. (Municipal & County Government)
- SB 123**, relative to protection from infection by the human immunodeficiency virus and the hepatitis B virus. (Health, Human Services & Elderly Affairs)
- SB 124**, relative to the operations of state correctional facilities. (Corrections & Criminal Justice)
- SB 125**, changing the name of the task force established for women at risk for alcohol and other abuse during pregnancy. (Health, Human Services & Elderly Affairs)
- SB 127**, requiring that certain electric utility savings as a result of debt refinancings using tax-exempt pollution control revenue bonds be used for investment in energy conservation and efficiency. (Science, Technology & Energy)
- SB 129**, relative to the overnight use of vessels and prohibiting the discharge of sewage into certain waters. (Resources, Recreation & Development)
- SB 130**, requiring disciplinary action against a physician for certain prohibited conduct. (Health, Human Services & Elderly Affairs)
- SB 131**, extending the reporting date for the committee studying gender equity in sports. (Legislative Administration)
- SB 132**, relative to the Revised Statutes Annotated, and creating a committee to study the rulemaking process. (Legislative Administration)
- SB 133**, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners. (Health, Human Services & Elderly Affairs)
- SB 134**, establishing a committee to study the need for reasonable standards and procedures for contracting services by the state. (Executive Departments & Administration)
- SB 141-FN-A**, removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor. (Corrections & Criminal Justice)
- SB 142-FN**, intercepting the sweepstakes winnings of delinquent child support payors. (Children, Youth and Juvenile Justice)

SB 147, requiring the legislative budget assistant to study the state restricted and dedicated funds. (Appropriations)

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships. (Executive Departments & Administration)

SB 151-FN-A-L, requiring an animal population fee in addition to licensure fees for certain dogs and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. (Municipal & County Government)

SB 152, relative to the real estate transfer tax assessment when a deed is given in lieu of a foreclosure. (Ways & Means)

SB 160, relative to qualifications for unemployment benefits. (Labor, Industrial & Rehabilitative Services)

SB 164-FN, relative to the OHRV fund. (Transportation)

SB 168-FN, relative to oil terminal facility registration and small fuel oil facilities. (Resources, Recreation & Development)

SB 172-FN, making structural changes within the department of corrections. (Corrections & Criminal Justice)

SB 173, creating a correctional industries advisory board. (Corrections & Criminal Justice)

SB 174-FN, relative to the notice to counties when children are placed by a court order. (Children, Youth & Juvenile Justice)

SB 175-FN, relative to a compact between New Hampshire and other states and probationers and parolees. (Corrections & Criminal Justice)

SB 180-FN-L, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions. (Education)

SB 182-FN-L, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder. (Municipal & County Government)

SB 183-FN-L, requiring the tax collector to notify certain mortgagees prior to execution of a tax deed. (Municipal & County Government)

SB 185-FN, allowing the director of the division of human services to reorganize the rules of the medical assistance program. (Executive Departments & Administration)

SB 186-FN, requiring the division of water supply and pollution control to set standards of design and construction for unconventional waste treatment systems. (Resources, Recreation & Development)

SB 187-FN, relative to public utility ratemaking. (Science, Technology & Energy)

SB 190-FN, naming the Route 25 rest area in the town of Rumney as the Nathan Clifford Memorial Rest Area. (Public Works)

SB 193, relative to liability under the hazardous waste, oil spillage and underground storage facilities laws and amending statutory definitions to clarify the secured creditor exemption. (Environment & Agriculture)

SB 194-FN, relative to seatbelt legislation. (Transportation)

SB 202-FN, relative to special plates and windshield placards for persons with walking disabilities. (Transportation)

SB 204, requiring certain hunters to wear hunter orange. (Wildlife & Marine Resources)

SB 205, expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals. (Wildlife & Marine Resources)

SB 207-FN, relative to work incentives for families receiving Aid to Families with Dependent Children. (Health, Human Services & Elderly Affairs)

SB 221-FN, relative to grandparents' visitation rights. (Children, Youth & Juvenile Justice)

SB 223-FN, allowing appeals of permanent impairment awards to the compensation appeals board. (Labor, Industrial & Rehabilitative Services)

SB 227-FN, establishing a revenue-neutral initial public offering exemption for national securities markets and clarifying which securities markets do not qualify for an exemption. (Commerce, Small Business & Consumer Affairs)

SB 229-FN-L, relative to the requirements for sprinkler systems. (Public Protection)

SB 230-FN, relative to sprinkler systems in residential care homes and supported residential care facilities. (Commerce, Small Business & Consumer Affairs)

SB 235-FN-L, relative to involuntary emergency admissions. (Judiciary)

SB 239-FN-L, relative to the public utilities commission. (Science, Technology & Energy)

SB 240, relative to the workers' compensation appeals board. (Labor, Industrial & Rehabilitative Services)

SB 241-FN-A, increasing the cap on the continually-appropriated revolving fund for educational publications. (Education)

SB 244, increasing the penalties for persons convicted of negligent homicide, including mandatory license revocation. (Corrections & Criminal Justice)

SB 245, changing the penalties for driving while intoxicated or under the influence of drugs. (Corrections & Criminal Justice)

SB 247-FN, clarifying who is subject to refusal of consent provisions for DWI under the OHRV and boating laws and requiring blood alcohol testing in certain boating accidents. (Corrections & Criminal Justice)

SCR 1, in support of an intercity passenger rail system. (Transportation)

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 184, establishing a study committee to oversee the design and planning of a new Plymouth district courthouse; and making an appropriation for planning and design of a new Plymouth district courthouse, was removed at the request of Rep. Katherine Rogers.

HB 245-FN, permitting the state treasurer to appoint 2 assistant state treasurers, was removed at the request of Rep. Buckley.

HB 197, relative to insurance fraud, was removed at the request of Rep. Burling.

HB 326, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession, was removed at the request of Rep. Soldati.

HB 340, relative to technical changes in the small employer insurance law, was removed at the request of Rep. Terninko.

HB 348, standardizing forms used by insurance companies for medical benefits claims, was removed at the request of Rep. Trombly.

HB 392, relative to merchants' refund policies, was removed at the request of Rep. Buckley.

HB 457, making fee splitting or accepting fees for referrals grounds for suspension or revocation of a pharmacy license, was removed at the request of Rep. Philbrook.

HB 496, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation, was removed at the request of Rep. Philbrook.

HB 526, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists, was removed at the request of Rep. Burling.

HB 529, requiring certain billing procedures for custodial fees on IRA accounts, was removed at the request of Rep. William McCann.

HB 546, relative to general contractors bidding for construction work, was removed at the request of Rep. DePecol.

HB 630, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers, was removed at the request of Rep. Bonnie Packard.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and marking an appropriation therefor, was removed at the request of Rep. Soldati.

HB 663-FN, making technical corrections to the securities laws, was removed at the request of Rep. Bonnie Packard.

HB 145-FN-L, allowing voters in towns to petition to extend the hours of polling, was removed at the request of Rep. Fuller Clark.

HB 411-FN-L, relative to the hours of polling in cities and towns, was removed at the request of Rep. Fuller Clark.

HB 682, reducing the number of peremptory challenges to jurors available to both prosecutors and defense in a trial for murder in the first degree, was removed at the request of Rep. DePecol.

HB 278, relative to joint building committees for the construction of schoolhouses, was removed at the request of Rep. William McCann.

HB 385-L, enabling public school districts to contract with private schools to provide for the education of at-risk students, was removed at the request of Rep. William McCann.

HB 561, requiring that certain rules adopted by the board of education be approved by the education committees of the senate and the house, was removed at the request of Rep. Buckley.

HB 679-FN-L, relative to unfunded mandates, limiting the catastrophic aid liability of school districts, and requiring notice and public hearing of state education plans, was removed at the request of Rep. Buckley.

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas, was removed at the request of Rep. Buckley.

HB 369, establishing a committee to study the issue of radon levels in the state of New Hampshire, was removed at the request of Rep. McGrath.

HB 555, relative to freshness dating on sandwiches, was removed at the request of Rep. Buckley.

HB 622-FN, relative to solid waste management districts, was removed at the request of Rep. Buckley.

HB 171-FN, changing procedures applicable to the board of registration in medicine, was removed at the request of Rep. Gilmore.

HB 364, relative to the practice of architecture, was removed at the request of Rep. Newland.

HB 439, relative to the profession of engineering, was removed at the request of Rep. Plourde.

HB 519-FN, making technical changes in the mental health laws and relative to persons providing active care services, was removed at the request of Rep. Mayhew.

HB 585-FN, requiring state agencies to purchase recycled materials, was removed at the request of Rep. Buckley.

HB 656-FN, extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991, was removed at the request of Rep. O'Rourke.

HB 673-FN, relative to accounting requirements for moneys received by the state treasurer, was removed at the request of Rep. Donna Soucy.

HB 613-FN, changing how earned income is calculated for people who receive aid to the permanently and totally disabled, was removed at the request of Rep. Robert Foster.

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance, was removed at the request of Rep. Robert Foster.

HB 664-FN, relative to the program for the permanently and totally disabled, was removed at the request of Rep. Cloutier.

HB 152, changing the time period within which a claim may be submitted against the state, was removed at the request of Rep. DePecol.

HB 387, relative to the use of gender neutral language in New Hampshire, was removed at the request of Rep. Woods.

HB 655-FN, requiring the legislature and judiciary to participate in the waste reduction and recycling program, was removed at the request of Rep. Buckley.

HB 157-FN-L, restricting motor vehicle permit fee revenues collected by municipalities to highway expenditures, was removed at the request of Rep. John Chandler.

HB 525, relative to city budgets for school districts, was removed at the request of Rep. William McCann.

HB 608-FN-L, relative to a private property protection act, was removed at the request of Rep. William McCann.

HB 680-FN-L, relative to unfunded mandates and removing the requirement that a town give notice to certain landowners prior to the discontinuance of certain highways, was removed at the request of Rep. Vincent.

HB 689-FN, relative to funds for students residing in unorganized places, was removed at the request of Rep. Laughlin.

HB 166, relative to felons who own or possess dangerous weapons, was removed at the request of Rep. Burling.

HB 523, requiring emblems to assist firefighters to be placed on certain buildings, was removed at the request of Rep. Hawkinson.

HB 569-FN-L, relative to flammability testing of seating furniture manufactured for public buildings, was removed at the request of Rep. Gilmore.

HB 625-FN-A, relative to the sale of fireworks and levying a tax thereon, was removed at the request of Rep. Buckley.

HB 659-FN, relative to road tolls on users of special fuel, was removed at the request of Rep. Katherine Rogers.

HB 681-A, making an appropriation for certain ski operations, was removed at the request of Rep. Burling.

HB 685, relative to a liquor store in Center Harbor and making an appropriation therefor, was removed at the request of Rep. Buckley.

HB 172-FN, relative to the oil discharge and disposal cleanup fund, was removed at the request of Rep. Buckley.

HB 434-FN, relative to the assessment of the oil import license fee, was removed at the request of Rep. Cloutier.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users, was removed at the request of Rep. Buckley.

HB 559, relative to acquiring property by eminent domain and allowing a customer to terminate water service from a water utility to drill a well, was removed at the request of Rep. Braiterman.

HB 597-FN, exempting single family lots from the fee charged for septic system review, was removed at the request of Rep. Buckley.

HB 571-FN, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading, was removed at the request of Rep. Buckley.

HCR 5, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears, was removed at the request of Rep. Trombly.

HCR 12, calling for the repeal of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court, was removed at the request of Rep. Donna Soucy.

HB 189, establishing a committee to study all the specially issued plates, was removed at the request of Rep. Soldati.

HB 210, limiting the use of off highway recreational vehicles near occupied residences, was removed at the request of Rep. Buckley.

HB 218-FN-A-L, relative to the driver training fund, was removed at the request of Rep. William McCann.

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers, was removed at the request of Rep. Buckley.

HB 377, allowing persons 21 years of age or older to transport partially consumer bottles of wine from on-sale licensed establishments, was removed at the request of Rep. McGovern.

HB 398, relative to driver education reciprocity, was removed at the request of Rep. Laughlin.

HB 607-FN, relative to the plea-by-mail program, was removed at the request of Rep. Harwell.

HB 631, modifying administrative penalties to be paid to the director of safety services, was removed at the request of Rep. Lundborn.

HB 139, relative to requirements for transportation of deer and official seals for fur-bearing animal skins, was removed at the request of Rep. Braiterman.

HB 232, permitting a licensed trapper to check traps anytime, was removed at the request of Rep. Buckley.

HB 264-L, relative to appointments to the fish and game commission, was removed at the request of Rep. McGovern.

HB 538, decreasing the time within which wildlife may be taken, was removed at the request of Rep. Trombly.

SPECIAL ORDER

Rep. Michael Hill moved that HB 432, authorizing the racing commission to license electronic games of chance only at pari-mutuel wagering race tracks, be made a special order for Thursday, March 11, at 1:05 p.m.

Reps. Michael Hill and Trombly spoke in favor.
Adopted.

REGULAR CALENDAR

HB 200-FN-A, relative to an actuarial audit of the New Hampshire retirement system, paid for from retirement system funds. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Appropriations: An actuarial audit has not been completed in the entire life of the Retirement System as we know it and with \$1.9 billion in assets the Committee felt quite strongly that one was due. The Committee felt it was in the best interest of the active employees, retirees, trustees, the state, county, and cities and towns to have this audit accomplished in accordance with the recommendation of the LBA. Vote 17-0.

Rep. Robert Wheeler yielded to questions.

On a division vote, 338 members having voted in the affirmative and 8 in the negative, the report was adopted.

Ordered to third reading.

HB 469-A, allowing the state treasurer to issue bonds to pay for debt issuance costs. **OUGHT TO PASS**

Rep. Stacey W. Cole for Appropriations: Passage of this bill will, at the option of the State Treasurer, allow the Treasurer to issue up to 102% of the authorized amount of a bond issue. The additional 2% to be used for the sole purpose of paying the issuing costs. The effect would be to permit an authorized bond issue to remain whole rather than be reduced by the issuance costs. Vote 18-2.

Rep. Cole yielded to questions.

On a division vote, 330 members having voted in the affirmative and 10 in the negative, the report was adopted.

Ordered to third reading.

HB 437-FN, requiring parents involved with child custody or support issues to participate in certain seminars. **OUGHT TO PASS WITH AMENDMENT**

Rep. Irene C. Domini for Children, Youth and Juvenile Justice: This bill as amended requires educational seminars for parents of minor children who are involved in custody and other issues. It is the intent to minimize the adverse impact on the children of litigation process and family separation. The cost of the seminars will be covered by fees and there should not be any impact to state, counties and local government. Eventually it may create revenue for the state. Vote 15-3.

Amendment (1453B)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to provide a 4-hour session for married or unmarried parents of minor children who are involved in custody and other issues which involve the children so that the adverse impact on the children of the litigation process and family's separation will be minimized.

2 New Chapter; Seminar Required. Amend RSA 458 by inserting after chapter 458-C the following new chapter:

CHAPTER 458-D**SEMINAR FOR PARENTS INVOLVED WITH CHILD CUSTODY AND SUPPORT ISSUES**

458-D:1 Referral. In the event of any action before any superior court, where the parties are parents of minor children and are involved with child custody and support issues, and upon the establishment of the program described in this chapter, the clerk of court shall, no later than the defendant's or respondent's filing of an appearance, refer the parties to a 4-hour information session. This session shall be a seminar on how to help the children deal with the issues surrounding divorce, separation, and custody.

458-D:2 Seminar.

I. The seminar shall consist of the following:

(a) The seminar shall be conducted by a certified family therapist or other persons certified by the superior court, to inform the parents of the best way to address problems which the children will face as the result of the divorce or separation. Presenters shall be a male and a female.

(b) Up to 1/2 hour of the session may be a segment on divorce options such as arbitration, mediation, and litigation.

II. The session shall be tailored to those issues concerning the children which may be of particular concern during the divorce or separation process including, but not limited to:

(a) Understanding the process of divorce or separation: interaction between parent and child, areas of adjustment, and areas of concern.

(b) Understanding how children react to the divorce or separation, how to spot problems, what to tell them about divorce or separation, how to keep communication open, and answering questions and concerns they may have about the process.

(c) How parents can help their children during the divorce or separation: specific strategies, ideas, tools, and resources for assistance.

(d) How parents can help children after the divorce or separation: new family structures, and how to deal with different sets of rules.

(e) Making clear the acknowledgment that the general goal of communication and cooperation between parents may be inappropriate, particularly in cases of domestic violence.

458-D:3 Seminar Schedule. The seminar shall be offered twice monthly unless the county's population warrants otherwise. One parent need not attend the same session as the other parent. In the case of domestic violence, parents shall attend separate sessions. The seminar shall be completed within 45 days of service of the original complaint upon the original defendant.

458-D:4 Disciplinary Action. Upon a party's failure to complete the seminar pursuant to this chapter, the assigned judge may take appropriate action including, but not limited to, actions for contempt.

458-D:5 Attendance.

I. An alphabetical list of all parties eligible for the seminar shall be provided to the presenters prior to each seminar. The list may be utilized by the presenters and the court. As parties report to the seminar selected by them, they will provide to the presenters identification, and they will be recorded as present.

II. Each person completing the seminar will be given a certificate of attendance to present to the judge at the time of that person's court appearance.

458-D:6 Costs.

I. A fee of not more than \$30 per party may be required and will be used to cover all costs of the program including any presenters' fees, handouts, applications, and program administration.

II. The fee may be waived if a party presents a valid affidavit of indigency, and it appears upon investigation that the party otherwise meets the court's guidelines of indigency.

III. The clerk of each superior court shall establish a special fund to cover the costs of parties who are granted fee waivers. On the commencement of any custody or support proceeding for which a fee is required, the court shall charge and collect an additional fee of \$10 from the petitioner. These fees shall be in addition to any other fee required by law. These fees shall be deposited directly into this special fund along with any donations made toward this program.

458-D:7 Waiver. Parties may fill out an exception affidavit in order to be exempted from attending a seminar, in which they would indicate that they meet one of the exceptions below. The affidavit may be obtained from the clerk of court and may be submitted at any time. Attendance at the seminar shall be waived under the following circumstances:

I. A party is incarcerated.

II. A party has previously attended the seminar.

III. The office of child support enforcement services has brought an action to enforce or modify an existing order.

IV. The court finds good cause to grant a waiver on any basis it deems appropriate, including domestic violence. Time extensions may be granted.

458-D:8 Rulemaking.

I. The chief justice of the superior court, subject to approval by the supreme court, may establish such rules and orders of practice as are appropriate to effectuate this chapter and administer this program including, but not limited to:

(a) Phasing in the program over one year after pilot sessions have been conducted in one or more counties for at least 3 months to test operation, curriculum, and format. At least one of the pilot programs shall be conducted in a rural county, and one of the pilot programs shall be conducted in an urban county.

(b) Setting appropriate fees.

(c) Contracting with public or nonprofit providers to lead the seminar.

(d) The form and content of presentation.

(e) Any additional factors deemed necessary.

II. The chief justice shall utilize such in-state services as the N.H. Cooperative Extension Service, child and family services, and other agencies or individuals necessary to effectuate the program.

3 Effective Date.

I. Section 1 and RSA 458-D:8 as inserted by section 2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1994.

Rep. Domini yielded to questions.

On a division vote, 246 members having voted in the affirmative and 88 in the negative, the amendment was adopted.

Rep. Harwell spoke against.

Reps. Carol Moore and Bean spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the amended committee report.

YEAS 300**NAYS 58****YEAS 300
BELKNAP**

Bartlett, Gordon
Hauck, William
Lafiam, Robert
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph
Ziegra, Alice

Golden, Paul
Johnson, Carl
Salatiello, Thomas

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

CHESHIRE

Avery, Stephen
Delano, Robert
Metzger, Katherine
Robertson, Timothy
Young, David

Bonneau, Sarah
Kingsbury, H. Thayer
Pearson, Gertrude
Royce, H. Charles

Cole, Stacey
Manning, Joseph
Perry, David
Russell, Ronald

DePecol, Benjamin
McGuirk, Paul
Richardson, Barbara
Smith, Edwin

COOS

Bradley, Paula
Mayhew, Josephine
Wiswell, James

Foss, Frederic
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

Horton, Lynn
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Patricia
Driscoll, William

Bean, Pamela
Chase, Paul, Jr.
Gordon, Edward

Below, Clifton
Copenhaver, Marion
Guest, Robert

Brown, Alson
Croy, Elizabeth
Ham, Bonnie

Hill, Richard
Scanlan, David
Ward, Kathleen

LaMott, Paul
Teschner, Douglass
White, Paul

McIlwaine, Deborah
Trelfa, Richard

Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Crotty, Edward
Drabinowicz, A. Theresa
Dyer, Merton
Fields, Dennis
Gervais, Glen
Hart, Nick
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
Lozeau, Donnalee
McRae, Karen
Mittelman, David
Morrisette, Roland
Packard, Bonnie
Philbrook, Paula
Riley, Frances
Smith, Leonard
Turgeon, Roland
White, John

Ahrens, Frederick
Asselin, Robert
Buckley, Raymond
Clemons, Jane
Desrosiers, William
Drolet, Paul
Dykstra, Leona
Foster, Linda
Greenberg, Gary
Healy, Daniel
Jean, Claudette
Kirby, Thomas
Lefebvre, Roland
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Murphy, Robert
Paquette, Rodolphe
Record, Alice
Sargent, Maxwell
Soucy, Donna
Upton, Barbara
Wright, George

Allen, W. Gordon
Bagley, Amy
Burke, M. Virginia
Cote, David
Dodge, Emma
Durham, Susan
Eliades, George
Gage, Ruth
Haettenschwiller, Alphonse
Holden, Carol
Johnson, Lionel
Kurk, Neal
Lessard, Rudy
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Nardi, Theodora
Perkins, Paul
Reidy, Frank
Searles, Stanley, Sr.
Tate, Joan
Vanderlosk, Stanley

Amidon, Eleanor
Bergeron, Lucien
Cepaitis, Elizabeth
Cowenhoven, Garret
Donovan, Francis
Dwyer, Patricia
Ferguson, Charles
Gagnon, Eugene
Hall, Betty
Holley, Sylvia
Kelley, Dana
L'Heureux, Robert
Lown, Elizabeth
McNerney, Daniel
Milligan, Robert
Morello, Michael
O'Rourke, Joanne
Peters, Stanley
Rheault, Lillian
Smart, John
Toomey, Kathryn
Wheeler, Robert

MERRIMACK

Apple, Lowell
Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Houlahan, Thomas
Lockwood, Robert
Pfaff, Terence
Stapleton, Henry
Ward, Jay
Yeaton, Charles

Barberia, Richard
Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Johnson, Joyce May
Moore, Carol
Regan, Maurice
Teague, Bert
Weeks, John, Jr.

Braiterman, Thea
Chandler, John
Fillion, Paul
Hill, Michael
Kidder, William
Newland, Matthew
Shaw, Randall
Trombly, Rick
Whittemore, James

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Holmes, Mary
Langer, Ray
Nichols, Avis
Soldati, Jennifer
Wallner, Mary Jane
Willis, Jack

ROCKINGHAM

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.
Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Groves, Bonnie
Katsakiores, George
Lee, Rebecca
McKinney, Betsy
Putnam, Ed, II
Senter, Merilyn
St. Martin, Tommy
Sytek, Donna
Weyler, Kenneth

Battles, Marjorie
Campbell, Marilyn
Clark, Martha
Cote, Charles
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hemenway, Thomas
Katsakiores, Phyllis
Lovejoy, Marian
Miller, Don
Raynowska, Bernard
Simon, Peter
Stone, Joseph
Sytek, John
Williamson, William

Bell, Juanita
Caswell, Albert, Jr.
Clark, Vivian
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Gargiulo, Louis
Johnson, Robert
Klemarczyk, Thaddeus
Malcolm, Kenneth
Moore, Benjamin
Richards, David
Skinner, Patricia
Stitch, C. Donald
Vaughn, Charles
Woods, Deborah

Boucher, William
Chester, Sherman
Coes, Betsy
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Gorman, Donald
Kane, Cecelia
Kruse, Fred
McGovern, Cynthia
Noyes, Richard
Ritzo, Eugene
Splaine, James
Syracusa, Anthony
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Brown, Julie	Chagnon, Ronald	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Loder, Suzanne	McCann, William, Jr.
McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
Musler, George	Nehring, William	O'Brien, John	Pelletier, Arthur
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Domini, Irene	Flint, Gordon	Holl, Ann	Kane, Joan
Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik	Rodeschin, Beverly
Schotanus, Merle			

**NAYS 58
BELKNAP**

Rice, Thomas, Jr.

CARROLL

Mock, Henry Wiggin, Allen

CHESHIRE

Burnham, Daniel Lynch, Margaret McNamara, Wanda

COOS

Coulombe, Henry Harwell, Tyler

GRAFTON

Dow, David Larson, Nils, Jr. Rose, William

HILLSBOROUGH

Ahern, Richard	Arnold, Thomas, Jr.	Bergeron, Normand	Borsa, Andrew
Daigle, Robert	Daniels, Gary	Domaingue, Jacquelyn	Gosselin, Gerald
Hanselman, Gregory	Holt, Mark	Hunter, Bruce	Jean, Loren
Laughlin, J. Francis	Leclerc, Charles	Martin, Mary Ellen	Plourde, Alphonse
Rothhaus, Finlay	Soucy, Richard	Weergang, Alida	Wells, Peter, Sr.

MERRIMACK

Kennedy, Richard Owen, Derek Rogers, Katherine Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn	Beaulieu, Jon	DiPietro, Carmela	Hazelton, Robert
Hurst, Sharleene	Hutchinson, Karen	Packard, Sherman	Pantelakos, Laura
Pratt, Katharin	Pullman, Robert	Rubin, George	Smith, Arthur
Teminko, Margaret			

STRAFFORD

Callaghan, Frank	Hemon, Roland	Hilliard, Dana	Knowles, William
Lundborn, Raymond	Pageotte, Donald	Torr, Ralph	Vincent, Francis
Wall, Janet	Wasson, Richard		

SULLIVAN

None

and the amended Committee report was adopted.
Referred to Ways and Means.

HB 316, relative to assessments by the joint underwriters association. MAJORITY: INEXPE-
DIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Bonnie B. Packard for the Majority of Commerce, Small Business and Consumer Affairs: The deficits generated by the New Hampshire Medical Malpractice Joint Underwriting Association prior to 1986, appear to have been successfully defrayed by the Stabilization Reserve Fund, which is supported by healthcare providers. There has been no necessity to impose a surcharge on participating insurers and so no surcharge has been passed along to the public. The Insurance Department provided testimony that should this bill pass four (4) companies currently providing medical malpractice coverage on a voluntary basis will not continue to write in this state. Current law established under Chapter 404-C allows for the establishment of mandatory risk sharing plans where no coverage is available and the public interest requires such availability. Vote 9-6.

Rep. Elizabeth L. Crory for the Minority of Commerce, Small Business and Consumer Affairs: Through an Insurance Department regulation, the insurance commissioner may assess all lines of liability insurance sold in this state when a level of excessive loss is reached in the Joint Underwriters Association Medical Liability Insurance Program. This bill will mean such excessive losses will be made up through an assessment on medical liability insureds only. Auto, homeowners and municipal liability will no longer be available to absorb this medical liability loss. Fairness and the explosive cost of all liability insurance must be considered.

Rep. Crory moved that the words Ought to Pass be substituted for the report of the Committee Inexpedient to Legislate and spoke in favor.

Rep. Copenhagen spoke in favor and yielded to questions.

(Rep. Michael Hill in the Chair)

Reps. Wells and Bonnie Packard spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 136

NAYS 222

**YEAS 136
BELKNAP**

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Richardson, Barbara

Burnham, Daniel
Kingsbury, H. Thayer
Robertson, Timothy

DePecol, Benjamin
Lynch, Margaret
Royce, H. Charles

Delano, Robert
Manning, Joseph
Russell, Ronald

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

GRAFTON

Below, Clifton
Ham, Bonnie

Copenhagen, Marion
LaMott, Paul

Crory, Elizabeth
McIlwaine, Deborah

Guest, Robert
Nordgren, Sharon

HILLSBOROUGH

Ackerman, Philip
Asselin, Robert
Borsa, Andrew
Crotty, Edward
Foster, Linda
Hall, Betty
Jean, Claudette
Lachut, Ervin
Lessard, Rudy

Ahern, Richard
Bagley, Amy
Buckley, Raymond
Daigle, Robert
Gage, Ruth
Hart, Nick
Johnson, Lionel
Laughlin, J. Francis
Martin, Mary Ellen

Allen, W. Gordon
Bergeron, Lucien
Clemons, Jane
Drabinowicz, A. Theresa
Gervais, Glen
Healy, Daniel
Kelley, Dana
Leclerc, Charles
Milligan, Robert

Arnold, Thomas, Jr.
Bergeron, Normand
Cote, David
Dwyer, Patricia
Haettenschwiller, Alphonse
Holley, Sylvia
Kirby, Thomas
Lefebvre, Roland
Morrisette, Roland

Murphy, Robert
Philbrook, Paula
Rothhaus, Finlay
Turgeon, Roland

Nardi, Theodora
Plourde, Alphonse
Soucy, Donna
White, John

O'Rourke, Joanne
Reidy, Frank
Soucy, Richard

Perkins, Paul
Riley, Frances
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
French, Barbara
Owen, Derek
Wallner, Mary Jane

Daneault, Gabriel
Johnson, Joyce May
Rogers, Katherine
Ward, Jay

Dunn, Miriam
Moore, Carol
Shaw, Randall
Yeaton, Charles

Feuerstein, Martin
Newland, Matthew
Soldati, Jennifer

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Johnson, Robert
Pantelakos, Laura
St. Martin, Tommy

Caswell, Albert, Jr.
DiPietro, Carmela
Kane, Cecelia
Pullman, Robert
Terninko, Margaret

Chester, Sherman
Hurst, Sharleene
Lee, Rebecca
Schanda, Joseph, Sr.
Vaughn, Charles

Clark, Martha
Hutchinson, Karen
McGovern, Cynthia
Splaine, James

STRAFFORD

Callaghan, Frank
Knowles, William
Merrill, Amanda
Pelletier, Arthur
Wheeler, Katherine

Chagnon, Ronald
Loder, Suzanne
Merritt, Deborah
Snyder, Clair

Hambrick, Patricia
McCann, William, Jr.
O'Brien, John
Sullivan, Henry

Hashem, Elaine
McGrath, J. Gregory
Pageotte, Donald
Vincent, Francis

SULLIVAN

Allison, David
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon

NAYS 222 BELKNAP

Bartlett, Gordon
Hauck, William
Lafam, Robert
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Ziegra, Alice

Golden, Paul
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Allen

Chandler, Gene
Mock, Henry
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Metzger, Katherine
Young, David

Cole, Stacey
Pearson, Gertrude

McGuirk, Paul
Perry, David

McNamara, Wanda
Smith, Edwin

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Hill, Richard
Teschner, Douglass
White, Paul

Bean, Pamela
Dow, David
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Driscoll, William
Rose, William
Wadsworth, Karen

Brown, Patricia
Gordon, Edward
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Andrews, Frederick	Bowers, Dorothy
Burke, M. Virginia	Cepaitis, Elizabeth	Chabot, Robert	Cowenhoven, Garret
Daniels, Gary	Desrosiers, William	Dodge, Emma	Domaingue, Jacquelyn
Donovan, Francis	Drolet, Paul	Durham, Susan	Dyer, Merton
Dykstra, Leona	Eliades, George	Fenton, James	Ferguson, Charles
Fields, Dennis	Gagnon, Eugene	Gosselin, Gerald	Greenberg, Gary
Hanselman, Gregory	Holden, Carol	Holt, Mark	Hunter, Bruce
Jasper, Shawn	Jean, Loren	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	Lown, Elizabeth	Lozeau, Donnalee	McCann, Bonnie
McCarty, Winston	McNemey, Daniel	McRae, Karen	Mercer, Robert
Messier, Irene	Mittelman, David	Moncrief, Keith	Moore, Elizabeth
Morello, Michael	Packard, Bonnie	Paquette, Rodolphe	Pepino, Leo
Peters, Stanley	Record, Alice	Rheault, Lillian	Sargent, Maxwell
Searles, Stanley, Sr.	Smart, John	Tate, Joan	Upton, Barbara
Vanderlosk, Stanley	Weergang, Alida	Wells, Peter, Sr.	Wheeler, Robert
Wright, George			

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Carter, Susan
Chandler, Earle	Chandler, John	Fillion, Paul	Gilbreth, Robert
Hall, Douglas	Holmes, Mary	Houlahan, Thomas	Kennedy, Richard
Kidder, William	Langer, Ray	Lockwood, Robert	Nichols, Avis
Pfaff, Terence	Regan, Maurice	Stapleton, Henry	Teague, Bert
Weeks, John, Jr.	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Boucher, William	Bove, Martin	Campbell, Marilyn	Christie, Andrew, Jr.
Clark, Vivian	Conroy, Janet	Cote, Charles	Cote, Patricia
Crossman, Harold, Jr.	Dowd, Sandra	Dowling, Patricia	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Groves, Bonnie
Hazelton, Robert	Hemenway, Thomas	Katsakiores, George	Katsakiores, Phyllis
Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred	Lovejoy, Marian
Malcolm, Kenneth	McKinney, Betsy	Miller, Don	Moore, Benjamin
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rubin, George
Senter, Marilyn	Simon, Peter	Skinner, Patricia	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony	Sytek, Donna
Sytek, John	Warburton, Calvin	Welch, David	Weyler, Kenneth
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Brown, Julie	Dunlap, Patricia	Hilliard, Dana	Keans, Sandra
Lundborn, Raymond	McKinley, Robert	Musler, George	Nehring, William
Spear, Barbara	Torr, Ann	Torr, Franklin	Torr, Ralph
Wall, Janet	Wasson, Richard		

SULLIVAN

Behrens, Thomas	Domini, Irene	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle		

and the motion failed.

On a division vote, 232 members having voted in the affirmative and 126 in the negative, the committee report was adopted.

HB 382, changing the annual rate of interest on judgments and business transactions. **OUGHT TO PASS WITH AMENDMENT**

Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs: The present rate is now 10 percent. This would allow a more realistic rate, fair to both parties. There was some discussion for the need for a cap. The time involved starts with the filing of a suit and terminates upon settlement, which can run into years. Vote 9-7.

Amendment (1445B)

Amend 336:1, I as inserted by section 1 of the bill by replacing it with the following:

I. The annual rate of interest on judgments, including prejudgment interest, shall be calculated at a rate equal to the coupon issue yield equivalent, as determined by the Secretary of the United States Treasury, of the average accepted auction price for the last auction of 52-week United States Treasury Bills settled immediately prior to the date of the judgment, plus 2 percent; but shall not exceed 10 percent. The state treasurer shall periodically distribute notice of that rate and any changes to the director of the administrative office of the courts.

AMENDED ANALYSIS

This bill requires that the annual rate of interest on judgments and business transactions be calculated at a rate equal to the coupon issue yield equivalent of the average accepted auction price for the last auction of 52-week United States Treasury Bills settled immediately prior to the date of judgment or to the date the business obligation is due and payable, plus 2 percent; up to a maximum amount of 10 percent.

Rep. Lindblade yielded to questions.

On a division vote, 229 members having voted in the affirmative and 101 in the negative, the amendment was adopted.

Rep. Harwell spoke against.

Rep. Mercer yielded to questions.

On a division vote, 216 members having voted in the affirmative and 127 in the negative, the report was adopted.

Ordered to third reading.

HB 442-FN, creating the New Hampshire trade port commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The committee believes the operation of two authorities within close proximity of each other, with the same economic goals of creating commerce, employment and other business, is best served by consolidating the daily operation of the Port Authority and Pease Development Authority into one management entity, the New Hampshire Trade Port Commission. The consolidation has the distinct advantage of a unified worldwide marketing program which will maximize the potential for economic revitalization of the seacoast and the entire state. The June 1, 1994 consolidation allows both authorities to prepare for an orderly transition to one entity. The Pease Development Authority and the Port Authority are unable to determine the fiscal impact of the bill on state, county and local revenues and expenditures. Vote 16-3.

Rep. Fuller Clark moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Loder spoke in favor.

Rep. Amanda Merrill requested a quorum count. The Chair declared a quorum present. Rep. Buckley challenged the Chair's declaration of a quorum. The Chair's declaration of a quorum was affirmed with 353 members having answered the call.

Rep. Syracuse spoke against and yielded to questions.

Rep. Crory spoke in favor.

Reps. Cogswell and Simon spoke against.

Rep. William McCann requested a quorum call. The Chair declared a quorum present.

Rep. McCann spoke in favor and yielded to questions.

Rep. Bonnie Packard spoke against.

Roll Call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 113**NAYS 250****YEAS 113
BELKNAP**

None

CARROLL

None

CHESHIREBonneau, Sarah
Kingsbury, H. Thayer
Russell, RonaldBurnham, Daniel
Lynch, MargaretDePecol, Benjamin
Richardson, BarbaraFoster, Katherine
Robertson, Timothy**COOS**Bradley, Paula
Mayhew, JosephineCoulombe, Henry
Mears, EdgarHarwell, Tyler
Wiswell, James

Hawkinson, Marie

GRAFTONAdams, Carl
Guest, RobertBelow, Clifton
McIlwaine, DeborahCopenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth

HILLSBOROUGHAckerman, Philip
Buckley, Raymond
Daigle, Robert
Gage, Ruth
Healy, Daniel
Messier, Irene
O'Rourke, Joanne
Reidy, Frank
Toomey, KathrynAhem, Richard
Clemons, Jane
Drabinowicz, A. Theresa
Gosselin, Gerald
Jean, Claudette
Morrisette, Roland
Paquette, Rodolphe
Smart, John
White, JohnAsselin, Robert
Cote, David
Dwyer, Patricia
Haettenschwiller, Alphonse
Laughlin, J. Francis
Murphy, Robert
Pepino, Leo
Soucy, DonnaBergeron, Normand
Crotty, Edward
Foster, Linda
Hall, Betty
Martin, Mary Ellen
Nardi, Theodora
Plourde, Alphonse
Soucy, Richard**MERRIMACK**Dunn, Miriam
Moore, Carol
Teague, BertFrench, Barbara
Owen, Derek
Trombly, RickGilbreth, Robert
Rogers, Katherine
Wallner, Mary JaneJohnson, Joyce May
Soldati, Jennifer
Yeaton, Charles**ROCKINGHAM**Caswell, Albert, Jr.
Hurst, Sharleene
Richards, David
Terninko, MargaretClark, Martha
Johnson, Robert
Schanda, Joseph, Sr.
Warburton, CalvinCoes, Betsy
McGovern, Cynthia
Splaine, JamesCrossman, Harold, Jr.
Newman, Rick
St. Martin, Tommy**STRAFFORD**Callaghan, Frank
Hashem, Elaine
Lundborn, Raymond
Merritt, Deborah
Pelletier, Marsha
Vincent, FrancisChagnon, Ronald
Hemon, Roland
McCann, William, Jr.
O'Brien, John
Snyder, Clair
Wall, JanetGilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Pageotte, Donald
Sullivan, Henry
Wheeler, KatherineHambrick, Patricia
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Torr, Franklin**SULLIVAN**Allison, David
Kane, JoanBurling, Peter
Palmer, LorraineCloutier, John
Stamatakis, Carol

Holl, Ann

**NAYS 250
BELKNAP**Bartlett, Gordon
Hauck, William
Lafam, Robert
Salatiello, ThomasCampbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Smith, LindaDewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Turner, RobertGolden, Paul
Johnson, Carl
Rosen, Ralph
Ziegler, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
McGuirk, Paul
Perry, David

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Metzger, Katherine
Smith, Edwin

Manning, Joseph
Pearson, Gertrude
Young, David

COOS

Burns, Harold
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

GRAFTON

Bean, Pamela
Driscoll, William
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Alson
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

Brown, Patricia
Ham, Bonnie
Rose, William
Wadsworth, Karen

Dow, David
Hill, Richard
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Bowers, Dorothy
Cowenhoven, Garret
Domaingue, Jacquelyn
Dyer, Merton
Ferguson, Charles
Greenberg, Gary
Holley, Sylvia
Jean, Loren
Kirby, Thomas
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Morello, Michael
Philbrook, Paula
Rothhaus, Finlay
Tate, Joan
Weergang, Alida

Allen, W. Gordon
Bagley, Amy
Burke, M. Virginia
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Fields, Dennis
Hanselman, Gregory
Holt, Mark
Johnson, Lionel
Kurk, Neal
Lown, Elizabeth
McNerney, Daniel
Mittelman, David
Packard, Bonnie
Record, Alice
Sargent, Maxwell
Turgeon, Roland
Wells, Peter, Sr.

Amidon, Eleanor
Bergeron, Lucien
Cepaitis, Elizabeth
Desrosiers, William
Drolet, Paul
Eliades, George
Gagnon, Eugene
Hart, Nick
Hunter, Bruce
Kelley, Dana
L'Heureux, Robert
Lozeau, Donnalee
McRae, Karen
Moncrief, Keith
Perkins, Paul
Rheault, Lillian
Searles, Stanley, Sr.
Upton, Barbara
Wheeler, Robert

Andrews, Frederick
Borsa, Andrew
Chabot, Robert
Dodge, Emma
Durham, Susan
Fenton, James
Gervais, Glen
Holden, Carol
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
McCann, Bonnie
Mercer, Robert
Moore, Elizabeth
Peters, Stanley
Riley, Frances
Smith, Leonard
Vanderlosk, Stanley
Wright, George

MERRIMACK

Apple, Lowell
Carter, Susan
Feuerstein, Martin
Houlahan, Thomas
Lockwood, Robert
Regan, Maurice
Whalley, Michael

Barberia, Richard
Chandler, Earle
Fillion, Paul
Kennedy, Richard
Newland, Matthew
Shaw, Randall
Whittemore, James

Braiterman, Thea
Chandler, John
Hall, Douglas
Kidder, William
Nichols, Avis
Stapleton, Henry
Willis, Jack

Buessing, Marjorie
Daneault, Gabriel
Holmes, Mary
Langer, Ray
Pfaff, Terence
Weeks, John, Jr.

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Chester, Sherman
Cote, Charles
Dowling, Patricia

Arndt, Janet
Boucher, William
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert

Battles, Marjorie
Bove, Martin
Clark, Vivian
DiPietro, Carmela
Dube, LeRoy

Beaulieu, Jon
Campbell, Marilyn
Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.

Fesh, Robert
 Gage, Beverly
 Hazelton, Robert
 Katsakiores, George
 Kruse, Fred
 McKinney, Betsy
 Pantelakos, Laura
 Raynowska, Bernard
 Simon, Peter
 Stritch, C. Donald
 Vaughn, Charles
 Woods, Deborah

Flanagan, Natalie
 Gargiulo, Louis
 Hemenway, Thomas
 Katsakiores, Phyllis
 Lee, Rebecca
 Miller, Don
 Pratt, Katharin
 Ritzo, Eugene
 Skinner, Patricia
 Syracuse, Anthony
 Welch, David
 Yennaco, Carol

Flanders, David
 Gorman, Donald
 Hutchinson, Karen
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Noyes, Richard
 Pullman, Robert
 Rubin, George
 Smith, Arthur
 Sytek, Donna
 Weyler, Kenneth

Flanders, John, Sr.
 Groves, Bonnie
 Kane, Cecelia
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Packard, Sherman
 Putnam, Ed, II
 Senter, Merilyn
 Stone, Joseph
 Sytek, John
 Williamson, William

STRAFFORD

Brown, Julie
 McKinley, Robert
 Torr, Ann

Dunlap, Patricia
 Musler, George
 Torr, Ralph

Hilliard, Dana
 Nehring, William
 Wasson, Richard

Knowles, William
 Spear, Barbara

SULLIVAN

Behrens, Thomas
 Peyron, Fredrik

Domini, Irene
 Rodeschin, Beverly

Flint, Gordon
 Schotanus, Merle

Lindblade, Eric

and the motion failed

Amendment (1776B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Trade Port Commission. RSA 12-G is repealed and reenacted to read as follows:

CHAPTER 12-G

NEW HAMPSHIRE TRADE PORT COMMISSION

12-G:1 Declaration of Purpose.

I. The general court recognizes that the operation of 2 authorities within close proximity of each other, with the same economic goals of creating commerce, employment and other business, is best served by consolidating the daily operations into one management entity. The consolidation has the distinct advantage of a unified worldwide marketing program which will maximize the potential for economic revitalization of the seacoast communities and the state of New Hampshire.

II. In addition, the general court embraces as an economic goal, the completion of the seaport expansion permitted by the Corps of Engineers in January 1993. The utilization of bonding authority, acquisition of federal grants and public/private funding is encouraged.

III. It is also the intent of the general court to acknowledge the importance of New Hampshire's quality of life by pursuing environmentally responsive development of the seaport and former air base. Every effort shall be made to foster and encourage a continued environmentally sensitive high quality of life for future generations.

IV. The general court fully endorses, and acknowledges the benefits that may accrue by participating in public/private partnerships, to include private sector funding, whenever such partnerships contribute to managed economic progress of the region.

V. The general court recognizes that the closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, the city of Portsmouth, the seacoast region, and the state of New Hampshire.

VI. The general court further recognizes that the economies, environment, and quality of life of the affected communities, the seacoast region, and the state will depend on the speedy and proper development of the port and the former air base.

VII. It is further declared that creation of a New Hampshire trade port commission to promote, oversee, and integrate the development of the former air base and the port is in all respects for the benefit of the affected communities, the seacoast region, and the state and for the improvement of their welfare and prosperity, including the creation of employment and other business opportunities. It is also the intent of the general court that the commission be empow-

ered to assume from the Pease Development Authority the responsibility for obtaining federal approval of the comprehensive conversion and redevelopment plan, and to complete any steps in the planning process that may remain incomplete as of July 1, 1993.

VIII. The general court also recognizes the economic necessity for the maintenance and development of the ports, harbors, and navigable tidal rivers of the state of New Hampshire from the head of navigation to the seaward limits within the jurisdiction of the state. There is a need to foster and stimulate commerce and the shipment of freight through the state's ports and to assist shipping, and commercial and industrial interests that may depend on the sea for transport of products, including such interests as may be desirous of locating in tidewater areas of the state. The general court encourages the establishment of accommodations for the boat traveler, the area boat owners, the pleasure fishermen, and others who pass up and down our coast line or in its tributaries.

IX. The general court realizes it is important to plan, develop, maintain, use, and operate land transportation facilities within a 15 mile radius of the commission headquarters at Portsmouth and maintain, use and operate facilities on property owned or controlled by the commission.

X. To these ends, the commission shall cooperate with departments, agencies, authorities, or commissions of the federal, state or local governments and accept grants, aid, or services from such agencies. Such authorization relating to land transportation shall include and be governed by all other provisions of this chapter.

12-G:2 Definitions. In this chapter:

I. "Airport district" means:

(a) The property conveyed, granted or otherwise transferred to the commission or its predecessor by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. section 1622(g)), as amended; or

(b) Property conveyed, granted or otherwise transferred to the commission or its predecessor by the federal government or any agency of the federal government and declared or designated by the commission as the "airport district" in accordance with the procedures prescribed in RSA 12-G:14, II after the expansion or contraction of the district has been approved by the governing body of the municipality in which the land sought to be added to or taken from the airport district is located.

II. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, the mayor and city council of the city of Portsmouth, and the board of selectmen of the town of Newington.

III. "Board" means the board of directors of the commission.

IV. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

V. "Commission" means the New Hampshire trade port commission.

VI. "Director" means a member of the board.

VII. "Excess revenues" means those revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:31 required (a) to pay the costs of operating, maintaining and repairing all property and projects of the commission, (b) to pay the costs of administering and operating the commission, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the commission as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:20 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the commission, (e) to create and maintain a capital improvement fund to be established by the board in an amount not more than \$10,000,000, and (f) to pay all taxes owed by the commission. Excess revenue shall not include any revenues generated from property transferred or conveyed to the commission pursuant to section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. section 1622(g), as amended, within the airport district, unless the board and the Federal Aviation Administration deem, in compliance with applicable Federal Law, including but not limited to 49 U.S.C. App. section 2210(a)(12), such revenues to be excess revenues within the meaning of this chapter.

VIII. "Land use controls" means all municipal ordinances and requirements or rules of the commission regulating the use, development and improvement of property, including, but not limited to, zoning ordinances, subdivision regulations, site plan review regulations, and building, electric, plumbing and fire codes.

IX. "Pease Air Force Base" means all land, easements, buildings, structures and appurtenances owned or controlled by the United States Department of Defense on January 1, 1990, in the towns of Newington and Greenland, or the city of Portsmouth.

X. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XI. "Project" means the development, construction, reconstruction, maintenance or operation of any property of the commission or of any airport or other transportation system by the commission, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or other transportation system or used or useful in connection therewith.

XII. "Property" means all real property and tangible and intangible personal property, rights, and facilities of the commission.

XIII. "Resolution" means:

(a) The statements of intent adopted by formal vote of the former Pease Air Force Base redevelopment commission established in 1989, 3:2 on the dates set forth below and related to the following:

- (1) The New Hampshire Air National Guard on August 1, 1989.
- (2) The Pease Air Force Base trash-to-energy plant on August 15, 1989.
- (3) The proposed wildlife refuge at Pease Air Force Base on August 29, 1989.
- (4) Asbestos in housing at Pease Air Force Base on October 10, 1989.
- (5) The provision of health care for military retirees on October 24, 1989.

(b) Any other statement of intent designating a resolution and adopted by the Pease Air Force Base redevelopment commission since March 20, 1989.

XIV. "Revenues" means the gifts, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the commission from the purchase, sale, leasing, or development of properties and the operation of related facilities located on such properties and all right to receive the same, including investment earnings and the proceeds of any borrowing under this chapter or of any sale or disposition or insurance of any assets of the commission.

XV. "Security document" means any trust agreement, security agreement or resolution authorizing the issuance of or securing bonds.

XVI. "State" means the state of New Hampshire.

Structure of New Hampshire Trade Port Commission

12-G:3 New Hampshire Trade Port Commission Established. There is hereby created a body politic and corporate of the state, to be known as the New Hampshire trade port commission, to carry out the provisions of this chapter. The commission is hereby deemed to be a public instrumentality, and the exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

12-G:4 Management by Board of Directors.

I. The management of the commission shall be vested in a board of 9 directors and one ex officio member to be appointed as follows:

(a) Two members appointed by the governor and executive council. One of these members, for the first selection process only, shall be selected from the non-statutory members of the former port authority board to assure transfer of port administration experience to the board of the New Hampshire trade port commission. If no member of the port authority board accepts appointment, the governor and council may select a person of their choice.

(b) Two members appointed by the mayor and city council of the city of Portsmouth. One of these members, for the first selection process only, shall be selected from the non-statutory

members of the former port authority board to assure transfer of port administration experience to the board of the New Hampshire trade port commission. If no member of the port authority board accepts appointment, the mayor and city council of Portsmouth may select a person of their choice.

(c) One member appointed by the board of selectmen of the town of Newington.

(d) One member appointed by the president of the senate.

(e) One member appointed by the speaker of the house of representatives.

(f) One member appointed jointly by the mayor and city council of the city of Portsmouth and the board of selectmen of the town of Newington.

(g) One member who is nominated by majority vote of the legislative delegation of Strafford county, including the senators whose districts include towns in Strafford county and who is appointed by the governor, the senate president, and the speaker of the house. The member appointed in this manner may be removed from office for cause after hearing by the Strafford county legislative delegation.

(h) The commissioner of the department of resources and economic development, who shall be the ex officio member.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed, which period shall not exceed 6 months. Directors shall serve staggered terms. The persons initially appointed under subparagraphs I(a) and I(b) shall serve for one year, those initially appointed under subparagraphs I(c) and I(d) shall serve for 2 years, and those initially appointed under subparagraphs I(e), I(f) and I(g) shall serve for 3 years. State appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities.

III. Five members of the board shall constitute a quorum. A minimum of 5 affirmative votes shall be required for any action of the board, except for the adoption of land use controls, which shall require 6 votes.

IV. The directors shall serve without compensation from the commission, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the commission.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government.

12-G:5 Statements of Financial Interests; Content; Form.

I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless he has already filed a statement in that calendar year.

II. A member of the board shall not be allowed to enter into or continue his duties, unless he has filed a statement of financial interests with the secretary of state.

III. Statements of financial interests shall contain the following information:

(a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year.

(b) The description of any debt and the name of the creditor for all debts in excess of \$5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of \$5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions, the normal business of which includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

IV. The statement of financial interests shall be completed by typewriting or hand printing, and shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

12-G:6 Executive Director.

I. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the commission and who shall have general and active supervision and direction over the day-to-day business and affairs of the commission and its officers and employees, subject, however, to the direction and control of the board. The executive director shall perform all such other duties as from time to time may be assigned to him by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the commission, shall keep a record of the proceedings of the commission, and shall be the custodian of all books, documents, and papers filed with the commission and of its minute book and seal. He shall have the power to cause copies to be made of all minutes and other records and documents of the commission and to give certificates under the seal of the commission to the effect that such copies are true copies, and all persons dealing with the commission may rely upon such certificates.

II. The executive director shall employ support services, legal counsel, accountants, public relations specialists, marketing specialists, and environmental specialists sufficient to maintain operations.

III. The executive director shall establish and maintain the following co-equal divisions: an airport division, to handle develop airport facilities, an industrial development division to develop the airport district, a seaport division to develop water borne commerce, and a surface transport division to facilitate all forms of surface passenger and freight mass transportation. The executive director may establish such other divisions, with the consent of the board, as are necessary to the proper administration of this chapter.

IV. The salary of the executive director shall be established by the board.

12-G:7 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the commission, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the commission in any proceedings or decision relating to such contract or matter.

12-G:8 Regional Advisory Committee Established. There is hereby created a regional advisory committee which shall advise the board on regional concerns and interests and commission decisions affecting the region's communities. The members shall serve without compensation. The committee shall be composed of a member of the board of directors, the executive director, and an elected city councilor or town selectmen from Dover, Durham, Exeter, Greenland, Hampton, Madbury, New Castle, Newfields, Newington, Newmarket, North Hampton, Portsmouth, Rye, and Stratham. The elected city and town officials shall be appointed by their respective legislative bodies. The board shall seek participation of an elected town or city officer from Eliot, Kittery, and South Berwick, Maine. The appointed member of the board of directors shall serve as chair of the committee and the executive director shall serve as secretary of the committee. The committee shall meet monthly and shall submit monthly reports to the chair of the board.

12-G:9 Special Projects Citizens Committees.

I. There is hereby established a special projects citizens committee which shall report to the board. The committee shall be chaired by a member of the board and the executive director shall be the secretary. Other members shall be appointed by the board as necessary. The committee shall be made up of citizens with expertise on the project being developed and shall function as planning and development advisor to the board of directors. Members, other than the chair and secretary, shall be appointed as necessary to volunteer their expertise to a given project.

II. There is hereby established a port expansion special projects citizens committee to advise, consult and provide oversight assistance to the New Hampshire trade port commission

on port expansion that was authorized by a 1993 permit of the United States Army Corps of Engineers. The committee shall:

(a) Be composed of 6 individuals appointed by the outgoing board of directors of the port authority. The vice-chair of the board of directors of the New Hampshire trade port commission shall serve as chair and the executive director of the New Hampshire trade port commission shall serve as secretary.

(b) Cease to exist on June 1, 1999, unless extended by the New Hampshire trade port commission. Any vacancies occurring on the committee shall be filled by the commission.

Powers and Duties of the New Hampshire Trade Port Commission

12-G:10 Duties.

I. The commission shall perform the following duties:

(a) Monitoring the proposed closing of Pease Air Force Base.

(b) Conducting a comprehensive study of all issues related to the closure, conversion, redevelopment and future use of Pease Air Force Base. This study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.

(c) Reviewing all options relative to the most appropriate use of Pease Air Force Base.

(d) Formulating and adopting a comprehensive plan for conversion and redevelopment of Pease Air Force Base and submitting this plan to the federal authorities no sooner than 30 days following submission to the appointing authorities.

(e) Submitting the comprehensive plan for the conversion and redevelopment of Pease Air Force Base to the appropriate agency or agencies of the federal government.

(f) Making all necessary arrangements with port authorities of other states and federal departments, agencies, and foreign countries and their port entities for the interchange of business, and for such other purposes as will facilitate and increase the commerce of the ports, harbors, and tidal navigable rivers of the state.

(g) Establishing offices for the transaction of its business at such places as, in the opinion of the commission, shall be advisable and necessary in carrying out the purpose of this chapter.

(h) Appointing and compensating harbor masters at Hampton, Rye, New Castle, Portsmouth, Seabrook and Newington who will enforce the directives of the commission, such as the placement of moorings, the assignment of anchorage areas and the movement of traffic. The commission may appoint an assistant harbor master at any such place to assist the harbor master of such place in carrying out his duties.

(i) Contracting with and securing the services of a port terminal operating firm for the purpose of having such firm operate a part or all of the facilities of the seaport division of the commission, including piers, wharves, warehouses, parking and storage areas, or other facilities owned or leased by the commission, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement and solicitation of business for such port facility or facilities; such contract with an operating firm shall include the following provisions:

(1) The firm shall file with the commission for its approval a tariff clearly defining the terms "wharfage" and "dockage" and the charges to be made therefor.

(2) The amount of minimum payments per year satisfactory to the commission to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore.

(3) The amount retained by said firm from all fees for which it is accountable, said amount being a percentage to cover administrative costs of collection.

(4) The firm to supply a ship's manifest for every vessel using said facilities.

(5) The firm to provide a performance bond in an amount and form acceptable to the commission, as well as insurance in amounts acceptable to the commission for fire and extended coverage, public liability, property damage, and other risks as required by the commission, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the commission.

(6) The firm to file quarterly reports with the commission indicating the amount of all fees for which it is accountable to the commission, the amounts collected and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually.

(7) Such other appropriate provisions which in the opinion of the board will carry out the intent of this section and best protect the interest of the commission and of the state.

(j)(1) Setting and collecting fees for mooring and slip permits. A table of such fees shall be attached to the commission of each pilot.

(2) Setting and collecting fees for the management of the foreign trade zone established under RSA 12-G:15.

II. The commission shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the comprehensive duties identified in paragraph I.

12-G:11 Incorporation; Powers. The commission shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To sue and be sued in all courts and to initiate or participate in actions and proceedings, whether judicial, administrative, arbitrate or otherwise.

II. To have a seal, and to alter such seal at pleasure and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any manner.

III.(a) To employ or retain as independent contractors architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or personnel or civil service rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

(b) To appoint qualified individuals to serve as unpaid volunteers or advisors under such terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for such incidental expenses determined by the board to be necessary and incurred while performing the business of the commission.

IV. To purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

V. To sell, convey, lease, exchange, transfer, abandon or otherwise dispose of, or mortgage, pledge or create a security interest in, all or any of its property or any interest therein.

VI. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, land, or services from the United States of America or its agencies or departments or any state agency or any political subdivision of the state, or any other person, to carry out the terms and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

VII. To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer or otherwise dispose of, mortgage, pledge or grant a security interest in, use or otherwise deal in and with, bonds and other obligations, shares or other securities or interests therein issued by others, whether engaged in a similar or different business or activity.

VIII. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the commission under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, provided that no contract in excess of \$5,000, including contracts under paragraphs III and XV, shall be made without requests for proposal. This requirement may be eliminated by an affirmative vote of 6 members of the board on any particular matter. Justification for eliminating the requirement shall be recorded in the minutes of the meeting.

IX. To borrow money at such rate or rates of interest as the commission may determine, issue its notes, bonds, or other obligations to evidence such indebtedness, and secure any of its obligations by mortgage or pledge of all or any of its property or any interest in such property, tangible or intangible, whether then owned or acquired later.

X. To arrange for guaranties of its notes, bonds, or other obligations pursuant to RSA 12-G:32 by the federal government or by any private insurer or otherwise, and to pay any premiums for such guaranties.

XI. To issue such notes, bonds, or other obligations, whether or not the income from such notes, bonds, or other obligations to the holders is exempt from federal income taxation.

XII. To purchase notes, bonds, or other obligations of the commission at such price or prices, in such manner, and upon such terms as the commission may determine.

XIII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

XIV. To procure insurance against any loss in connection with its property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums for such insurance.

XV. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of or other participation in facilities, products or services of any person who engages in business on property owned or controlled by the commission.

XVI. To maintain a principal office in the state and an office or offices at such other place or places as it may determine.

XVII. To make any inquiry, investigation, survey, feasibility study or other study which the commission may deem necessary to enable it to carry out effectively the provisions of this chapter.

XVIII. To apply to the appropriate agencies and officials of the federal government and the state for licenses, permits or approvals of its plans or projects as it may deem necessary or advisable, and to accept such licenses, permits or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XIX. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary, and subject to agreements with bondholders, to make rules pursuant to its own procedures for the use of its projects and property, including but not limited to zoning, subdivision and site plan review regulations, and building, electric, plumbing and fire codes, and to establish and collect rentals, fees, and all other charges for the use of projects under the jurisdiction of the commission and for services or commodities sold, furnished, or supplied by the commission.

XX. To design, construct, maintain, operate, improve, and preconstruct such projects as shall be consistent with the purposes and provisions of this chapter, including without limitation the maintenance and development of aviation services, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the commission may determine.

XXI. To purchase, lease or otherwise acquire lands or interests in land, including options, on, near or adjacent to the tidal waters of the state suitable for construction, establishing and maintaining piers, wharves, warehouses or other facilities useful and necessary in the encouragement and development of commercial navigation.

XXII. The commission may undertake the improvement of any land acquired by it, by the construction of piers, wharves, warehouses or other facilities as specified in paragraph XXI. Any such improvement shall, insofar as possible, be self-liquidating. The commission shall charge just and reasonable fees for the use thereof.

XXIII. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

12-G:12 Status of Commission Employees; Entitlement to State Benefits.

I. The commission may hire, fix and pay compensation, prescribe duties and qualifications and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the commission shall not be classified employees of the state within the meaning of RSA 21-I:49. Any individual employed by the commission shall be deemed an employee at will and shall serve at the pleasure of the commission.

II. Notwithstanding the provisions of paragraph I, any individual employed by the commission whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation and retirement benefits as are afforded to classified employees of the state provided, however, that the election is made in writing within 30 days of the start of employment. Upon election by such individual, the commission shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the commission.

12-G:13 Coordination Between State and Federal Governments.

I. In addition to any other duties set forth in any provision of this chapter, the commission shall coordinate with, and provide information to, the United States Department of Defense, and any official or employee thereof, regarding any matter related to the ownership, condition, closure, conversion, redevelopment, or future use or operation of Pease Air Force Base. Notwithstanding any other provision of law, no political subdivision of the state shall submit any plan regarding the closure, conversion, redevelopment or future use or operation of Pease Air Force Base without the prior approval of the commission.

II. Notwithstanding any provision of law, except for the commission, no political subdivision or any agency of the state or governmental unit of the state, may apply for or receive pursuant to any provision of federal law any funds, grants or other assistance from the Office of Economic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the commission. Except for the commission, no state political subdivision, or any agency or governmental unit of the state, shall apply for or receive any funds, grants, or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the commission. The provisions of this paragraph shall not apply to the adjutant general or to school administrative units for the city of Portsmouth or the town of Newington.

III. Except for the adjutant general and notwithstanding any other provision of law, the commission shall be the only person in the state authorized to negotiate, purchase or otherwise obtain on behalf of the state or any of its political subdivisions any fee ownership, easement, lease or other property interest in any property in, or on a part of, Pease Air Force Base, except that the town of Newington may negotiate for and reacquire from the federal government the "Old Stone School" and associated yard located on Nimble Hill Road and the city of Portsmouth may negotiate for and acquire Jones School and Brackett School and associated yards located on Northwood Road and Rockingham Drive, respectively. The board may grant exemptions in its sole discretion from this provision to any state agency or political subdivision on such terms and conditions as it may deem appropriate.

IV. Notwithstanding any other provision of law, the commission shall be the only person authorized in the state to accept on behalf of the state or any of its political subdivisions any title to, or any other interest in, the runway, taxiways, parking aprons, hangars, control tower, air-space or other property or related facilities at Pease Air Force Base, from the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. section 1622(g)), as amended.

V. Notwithstanding any other provision of law, public employees and appointed officials of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this chapter, as directors of the commission. Any such public employee or official shall serve without compensation, except that such officials and employees may be reimbursed by the commission for such incidental expenses established by the board.

12-G:14 Local Land Use Controls.

I. Notwithstanding any other provision of law, any and all land use controls of the town of Newington and the city of Portsmouth shall not apply to any of the property at Pease Air Force Base transferred, conveyed or otherwise granted to the commission by the federal government or any agency of the federal government. The commission shall have the exclusive jurisdiction in

adopting and establishing land use controls for the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the commission by the federal government or any agency of the federal government.

II. The commission shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review and fire codes necessary to implement the provisions of this chapter. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the commission and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 6 affirmative votes of the commission shall be required. All land use controls enacted by the commission shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of state planning.

III. In adopting land use controls, the commission may adopt, in whole or in part, the land use controls of the town of Newington or the city of Portsmouth, or both. If the commission opts not to adopt the land use controls of Newington or Portsmouth, or both, in whole or in part, the commission shall adopt its own land use controls which are consistent with the comprehensive conversion and redevelopment plan prepared by the Pease Air Force Base redevelopment commission and consistent with the master plans of the town of Newington, the city of Portsmouth, or any other host community.

IV. The land use controls and any amendments to them adopted by the commission shall only apply to all property at Pease Air Force Base acquired by the commission from the federal government or any agency of the federal government, and shall remain applicable and enforceable after the sale, lease, assignment or other transfer of any or all of such property to such person by the commission. All other property at Pease Air Force Base shall be subject to all land use controls of the municipalities in which such property is located.

V. With the exception of the airport zone and that portion of the airport industrial zone acquired by the Pease development authority pursuant to the Surplus Property Act of 1944, section 13-G, in the enforcement of land use controls, the following shall apply:

(a) The commission shall delegate enforcement of the land use controls to the appropriate land use boards of the town of Newington and the city of Portsmouth for property within each municipality, respectively.

(b) If the town of Newington or the city of Portsmouth, as appropriate, rejects the enforcement on the basis of Part I, Art. 28-a of the New Hampshire constitution, the commission may delegate such enforcement to the community which did not reject it or to another community. If the town of Newington or the city of Portsmouth, or both, elect to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth or Newington, or both, shall be made available to the commission for all land within the commission's control. In addition, the building code boards of appeal, the zoning boards of adjustment and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests, as well as subdivision, site plan review and conditional use applications. The only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(c) In all instances, the commission shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls, which shall require 6 affirmative votes.

(d) Any action of the commission in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Portsmouth and the town of Newington and any abutters shall have standing to appeal land use decisions made by the commission.

(e) Any property located at the former Pease Air Force Base which is sold, leased or otherwise conveyed by the United States government to any person other than the state of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes and related codes prior to being occupied for any use by any person.

VI. Notwithstanding any provisions of this section, all property on Pease Air Force Base west of McIntyre Road shall be designated a wildlife preserve under the control of the United States Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge, or other appropriate federal or state agency. The commission shall not permit the development of the property designated a wildlife refuge or preserve.

VII. In any event, regulatory power over all land use controls at Pease Air Force Base except for the airport district and all property west of McIntyre Road designated as a wildlife preserve shall revert exclusively to the municipalities no later than January 1, 2020, or sooner at the election of the commission.

12-G:15 Authorization to Seek Designation as Port of Entry or International Airport and to Establish Foreign Trade Zone and Free Port Area.

I. The commission shall be and is hereby authorized to make application to the Secretary of the Treasury of the United States for the purpose of having Pease Air Force Base, or portions thereof, designated, established or constituted, a port of entry, or an international airport, pursuant to the Customs Reorganization Act, 19 U.S.C. section 1 et seq., as amended, and 19 U.S.C. section 58b, as amended, and regulations of the United States Customs Service, including 19 C.F.R. section 101.0, et seq. and 19 C.F.R. section 122.1, et seq.

II. The commission shall be and hereby is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating and maintaining foreign-trade zones in New Hampshire, including at Pease Air Force Base, pursuant to the Free Trade Zone Act, 19 U.S.C. section 81a, et seq., as amended, providing for the establishment, operation and maintenance of foreign trade zones in or adjacent to ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

III. The commission shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and take such other actions concerning the operation, maintenance and policing of same as may be necessary to comply with the Free Trade Zone Act and the regulations adopted thereunder.

IV. The commission shall have full power and authority to lease the right or to erect, maintain and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating of any such foreign trade zones that might be established in the state of New Hampshire.

V. The commission shall have the power and the duty to establish an area in which personal property in transit shall be exempt from the provisions of the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by the port commission is defined as follows: goods, wares, and merchandise which is (a) moving in interstate or international commerce through or over the areas hereinbefore established, or (b) which was consigned to a warehouse, public or private, within the state, from outside the state, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purposes of this chapter, provided, however, that the warehouse in which said goods, wares or merchandise is stored shall not be owned, in whole or in part, by either the consignee or consignor.

12-G:16 Limitations on State and Local Taxation; Provision of Services.

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity and for the improvement of their social and economic conditions, and, except as provided in paragraph II the commission shall not be required to pay any tax or assessment on any property or project owned by the commission under the provisions of this chapter or upon the revenues from such property or project, nor shall the commission be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf except that a payment in lieu of taxes shall be paid by the commission to the town of Newington or the city of Portsmouth annually for highway maintenance, fire protection and other services as negotiated between the parties. Nothing in this section shall be construed to exempt any transferee, lessee or tenant of the commission from paying any recording fee, transfer tax, or other tax required by state law including property taxes.

II. All property within the boundaries of Pease Air Force Base but outside of the airport district located on Pease Air Force Base that is owned or occupied by a person, other than the commission or any other entity exempted from taxation under RSA 72:23, shall be taxable by the municipality in which the property is located as though such property were not owned by the exempt entity and were held in fee simple. Upon leasing or renting by the commission of any of its property within the boundaries of Pease Air Force Base but outside the airport district located on Pease Air Force Base to a non-exempt entity for any use, the municipality in which such property is located shall subject such property to any and all applicable property taxes of the municipality as though such property were not owned by the state or commission and were held in fee simple. Tax payments shall be made as follows:

(a) In the case of such property rented from the commission, the renter shall pay, in lieu of real estate taxes, to the municipality in which the property is located an amount equal to the amount that would have been paid as ad valorem taxes in respect to such property, had it been owned by a nongovernmental person.

(b) In the case of such property leased from the commission, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails to pay such duly assessed taxes on or before the due date, the tax collector of the municipality in which the property is located shall notify the commission that such taxes remain unpaid, and such obligation shall become an obligation of the commission. Upon payment by the commission of any tax, costs and interest due upon such property, the commission shall be entitled to be reimbursed for any such payment and reasonable attorney's fees from the lessee of such property and shall have a lien upon any personal property, including, but not limited to equipment, of the lessee, which lien shall continue in force for 2 years from the date the tax was paid by the commission or until the lessee reimburses the commission.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for nongovernmental persons and shall be based on the valuation of the property determined by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the commission determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

III. Notwithstanding any other provision of law:

(a) Security for all land and buildings within the airport district and security for all flights at Pease Air Force Base shall be provided by the commission. All other police services within the airport district shall be provided by the municipalities. Any municipality providing police services to the commission shall be reimbursed in timely manner pursuant to a contract with the commission for all costs incurred by the municipality in providing such services, including but not limited to, salaries, benefits, insurance, equipment and associated administrative expenses.

(b) The provision of all other services to land, buildings and people in the airport district which are traditionally provided by the town of Newington or the city of Portsmouth, or both, shall be exclusively the responsibility of the commission. These services shall include, but not be limited to, the provision of fire protection, roadway maintenance, runway and parking apron maintenance, maintenance of all underground storage facilities, public assistance, public education and public utilities. In accordance with the provisions of RSA 12-G:11, VIII, the commission may contract with any person for the provision of these services.

(c) Outside of the airport district the provision of the municipal services by the towns of Greenland and Newington and the city of Portsmouth shall be governed by the general law of the state.

12-G:17 Distribution of Excess Revenues.

I. Subject to the limitations contained in RSA 12-G:2, VII, excess revenues of the commission may be distributed by the board annually within 30 days of the end of the commission's fiscal year as follows:

(a) 50 percent to the state treasurer for deposit in the general fund.

(b) 50 percent to the town of Newington, the town of Greenland, and the city of Portsmouth, to be distributed based upon the ratio of the equalized assessed value of the real property within the boundaries of Pease Air Force Base, but not including the airport district, located within the town or city limits of each municipality to the total equalized assessed value of all such property.

II. Before any excess revenues are distributed pursuant to subparagraphs I(a) and (b), the commission shall reimburse in full on a pro rata basis the state, the town of Newington and the city of Portsmouth for all funds provided to the former Pease Air Force Base redevelopment commission or the former Pease development authority since March 30, 1989.

III. The annual report prepared by the commission pursuant to RSA 12-G:31 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

12-G:18 Limited Liability of State and Municipalities.

I. Except as provided in paragraph II, all obligations incurred by the commission, whether arising from bonds, contracts or otherwise, shall be corporate obligations of the commission and not general obligations of the state or any political subdivision of the state, and neither the full faith and credit nor the taxing power of the state, nor any subdivision of the state is pledged to support such obligations, except as provided in RSA 12-G:32, nor shall they be deemed a debt of the state or any political subdivision of the state in determining its borrowing capacity under any applicable law.

II. Any agreement between the United States and any agency of the United States and the commission shall constitute a binding agreement between the United States and the state. Any agreement between the United States and the commission obligating the state to expend funds may be satisfied in full by revenues, bond proceeds or other funds provided by the commission in the first instance, and if such funds are insufficient, then the obligations shall be satisfied by the state from other funds. Furthermore, any agreement between the United States and the commission requiring payment of funds by the commission to purchase any property at Pease Air Force Base shall be satisfied in full by revenues, bond proceeds or other funds provided by the commission, and such payment shall not require a pledge of the full faith and credit of the state, except as otherwise provided under RSA 12-G:32.

New Hampshire Trade Port Commission Bonds

12-G:19 Issuance of Bonds. The commission may issue bonds which shall be obligations of the commission and not general obligations of the state, except as provided in RSA 12-G:32. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter, including, without limitation, financing the preacquisition costs and other costs of acquisition of any property or interest therein at Pease Air Force Base, or for any costs incurred in undertaking any project authorized by this chapter, or for paying or refunding any bonds issued pursuant to this section or interest on such bonds. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the commission in accordance with the provisions of this chapter. Prior to each new issuance of bonds, the commission shall provide written notice to the state treasurer of the maximum amount of bonds proposed to be issued. The bonds shall be issued by the commission in such amounts as the board shall determine, not exceeding in the aggregate \$250,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the board, and shall mature at such time or times as may be determined by the board, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the commission or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and details of the bond. Subject to RSA 93-A, the bonds shall be signed by at least 4 members of the board. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the board may determine.

12-G:20 Security Documents. Any bonds issued under this chapter may be issued pursuant to and entitled to the benefits of a security document between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the commission and the purchasers of the bonds, and such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any property of the commission and may pledge or

assign, in whole or in part, the revenues held or to be received by the commission, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the commission, and any proceeds thereof. Such security documents may contain provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge or security interest, and covenants setting forth the duties of, and limitations on, the commission in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of rates, charges and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the acquisition of any property or interest therein or undertaking of any project, any contracts relating thereto and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the commission acting under this subdivision. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

12-G:21 Credit Facilities and Insurance. Any bonds issued under authority of this subdivision may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the commission. In addition to other security provided herein or otherwise by law, bonds issued by the commission under this subdivision may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the commission by any bank, trust company or other financial institution, within or without the state, and the commission may make any pledge, mortgage, assignment or security interest in respect of its property and revenues as security for the reimbursement by the commission to the issuers of such letters or lines of credit, insurance or credit facilities or any payments made thereunder.

12-G:22 Perfection and Priority of Mortgage, Pledge or Security Interest. Any mortgage, pledge or security interest made by the commission under this subdivision shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge or security interest is made. The property or revenues so mortgaged, pledged or subjected to a security interest then held or thereafter acquired or received by the commission shall immediately be subject to the lien of such mortgage, pledge or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge or security interest shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the commission, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge or securities interest. Any agreement by which a pledge or security interest in personal property is created under this subdivision shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under this subdivision shall be filed with the register of deeds for Rockingham county.

12-G:23 Enforcement of Rights. Any owner of a bond issued under the provisions of this subdivision and any trustee under a security document securing the same, except to the extent the rights given in this section may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the commission or by any director or officer of the commission.

12-G:24 Refunding Bonds. The commission, when authorized by the board, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of this subdivision at

or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect to the same shall be governed by the provisions of this subdivision relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

12-G:25 Separate Funds. Any debt service fund, construction fund, debt service reserve fund or other fund established in connection with the issuance of bonds under this subdivision shall be kept separate from other moneys of the commission. The moneys deposited in any such funds, together with the income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the security document establishing such funds.

12-G:26 Investment of Funds. Moneys in any fund or account created under the provisions of this subdivision, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

12-G:27 Alteration of Rights of Bondholders. The state does hereby pledge to and agree with the holders of bonds issued under this chapter that the state shall not limit or alter the rights hereby vested in the commission to fulfill the terms of any agreements made with the said holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The commission is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

12-G:28 Tax Exemption. Bonds issued under this subdivision and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

12-G:29 Investment Securities. Notwithstanding any of the provisions of this subdivision or any recitals in any bonds issued under this subdivision, all such bonds shall be deemed to be investment securities under RSA 382-A.

12-G:30 Eligible Investments. Bonds issued under the provisions of this subdivision are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

12-G:31 Audit and Annual Reports. The accounts of the commission shall be subject to an annual audit performed by an independent certified public accountant selected by the commission. The commission shall submit annually to all appointing authorities, to the house appropriations committee, and to the senate finance committee a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

12-G:32 State Bond Guarantee.

I. In view of the general public benefits expected to be derived from the property acquisitions and projects to be financed under this chapter, and their contribution to the social and eco-

nomie prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this subdivision. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$50,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

.....
State Treasurer

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any property or operation of any project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the commission, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the commission by at least 5 directors.

III. In lieu of a state guarantee under this section, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding the total state bond guarantee authorized in RSA 12-G:32, I to make a loan or loans to the commission for the purposes of this chapter, and issue general obligation bonds or notes in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the commission. The principal amount of bonds of the commission that may be guaranteed by the state under paragraph I of this section shall be reduced by the amount of bonds issued by the state under this paragraph.

12-G:33 New Hampshire Trade Port Commission Fund; Expenditure of Other Revenues.

I. For the purpose of providing a fund to be known as the New Hampshire trade port fund, the state treasurer shall credit to such fund any appropriation made to the commission for each fiscal year.

II. All sums so credited are appropriated to the commission:

- (a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with property or any interest therein, whether tangible or intangible;
- (b) To pay the costs of operating, maintaining, improving and repairing all property and projects of the commission;
- (c) To pay the costs of administering and operating the commission, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director;
- (d) To pay the principal of, and premium, if any, and the interest on the outstanding bonds of the commission as the same become due and payable;
- (e) To create and maintain reserves established pursuant to RSA 12-G:20 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the commission;
- (f) To create and maintain a capital improvement fund to be established by the board in an amount not more than \$10,000,000;
- (g) To pay all taxes owed by the commission;
- (h) To pay any excess revenues authorized pursuant to RSA 12-G:17; and
- (i) In general for the payment of all expenses incident to the management and operation of the commission as are consistent with its statutory purpose and as the board thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the commission. Any amount remaining to the credit of the commission at the close of any fiscal year shall be nonlapsing and shall be carried over and credited to its account for the succeeding year.

IV. Money in this fund shall be paid to the treasurer of the commission on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the commission and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. The revenues received and due to the commission from all other sources, except by way of state appropriation, from whatever source derived shall be retained by the commission and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust or security document.

Miscellaneous

12-G:34 Annual Operating Budget; Bonding; Quarterly Reports.

I. The board shall approve and submit an annual operating budget to the fiscal committee and the governor and council.

II. The issuance of bonds under RSA 12-G:32, III to pay operating costs of the commission which are not included in the annual operating budget shall be subject to the approval of the fiscal committee and governor and council.

III. Until such time as the commission is self-funding, the board shall submit quarterly financial reports on its revenues and expenditures to the governor, the senate president, and the speaker of the house.

12-G:35 Reservation of Authority of Towns. All towns and cities within the confines of which there are ports, harbors or navigable tide rivers of the state which are subject to the jurisdiction of the commission shall retain all the powers of such town or city relative to such ports, harbors and navigable tide rivers and the lands abutting the same so long as the commission has not pre-empted the jurisdiction provided in this section.

12-G:36 Employment of New Hampshire Residents.

I. Any contractor bidding on a project at the port of Portsmouth which is funded through the commission or the state of New Hampshire shall be encouraged to employ the maximum possible number of New Hampshire residents.

II. For the purposes of this section, "resident" shall mean any person maintaining a dwelling within the state of New Hampshire who has a present intent to remain within the state for a period of time.

12-G:37 Pilots. The commission may prescribe the qualifications of pilots, and from time to time appoint and commission, under its hand and seal, as many pilots as it may judge necessary, and remove the same at pleasure; and it shall take from them such security, by bond or otherwise, as it may deem proper.

12-G:38 Authority of Pilot. Any pilot appointed by the commission, who has given security for the faithful discharge of his duties, may take charge of any vessel, except pleasure or fishing vessels, or a vessel of 150 registered or enrolled tons and under, and shall pilot such vessel into and out of the river and harbor of the Piscataqua, first showing to the master his appointment if requested.

12-G:39 Pilots Required. All vessels, except pleasure or fishing vessels, or vessels of 150 registered or enrolled tons or under, and U.S. flag coastwise vessels with a Federal pilot aboard shall be piloted by a pilot appointed by the commission into and out of the Piscataqua River and harbor from a point designated by the commission.

12-G:40 Harbor Masters. The harbor masters appointed by the commission shall have authority, under the supervision of the commission, to oversee the harbor for which he was appointed master, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into all offenses occurring within his area of responsibility and to perform such duties and enforce such regulations as the commission shall prescribe. Marine law enforcement shall be in accordance with RSA 270:12-a.

12-G:41 Penalty. Whoever violates any of the rules of the commission, or refuses or neglects to obey the lawful and reasonable orders of a harbor master, or resists him in the execution of his duties, shall be guilty of a misdemeanor.

2 Transition. Upon passage of this act, the executive director of the Pease development authority and the port authority director shall develop and implement a fully integrated unified marketing policy to be used until the merger occurs on June 1, 1994.

3 Transfer of Duties.

I. All functions, powers, duties and obligations of the New Hampshire port authority and the Pease development authority, in existence, prior to June 1, 1994, are hereby transferred to and vested in the New Hampshire trade port commission. The transfer provided in this section shall become effective on June 1, 1994, except that the port authority board of directors shall continue in existence for the sole purpose of making the initial appointments to the committee established in RSA 12-G:9, II of section 1 of this act. Such appointments shall be made on or before June 3, 1994.

II. The transfer of the port authority and the Pease development authority provided under paragraph I shall include all of the personnel, books, papers, records, unexpended appropriations or other funds, actions and other property or obligations of every kind formerly a part of the port authority or the Pease development authority.

4 Reference Changed. Amend RSA 12-A:2-h to read as follows:

12-A:2-h International Trade Promotion. The commissioner of resources and economic development shall plan, develop and administer programs for international trade promotion and inward investment promotion in cooperation with the [port authority] *New Hampshire trade port commission* and the Small Business Development Center and other private organizations. The commissioner shall take a proactive role in targeting foreign trade shows and foreign trade missions and shall assist New Hampshire businesses desiring to participate in these shows and missions. In planning, developing, and administering programs under this section, the commissioner shall be assisted by the advisory committee on international trade established in RSA 12-A:30 and may draw on the revolving fund created under RSA 12-A:31.

5 Reference Changed. Amend RSA 12-A:30, II(g) to read as follows:

(g) The *executive* director of the New Hampshire [port authority] *trade port commission* or designee.

6 Reference Changed. Amend RSA 21-I:49, VII to read as follows:

VII. Personnel of the [Pease development authority] *New Hampshire trade port commission*.

7 Reference Changed. Amend RSA 72-A:1, I-a to read as follows:

I-a. "Commercial boat" means a vessel used primarily for commercial purposes which, in the case of vessels used for tidal and coastal waters, is verified by the [port authority] *New Hampshire trade port commission* by means of a notarized document affirming that the vessel is so used. For the purposes of this paragraph "primarily for commercial purposes" means that the vessel is not used for more than 14 days of non-commercial use per registration year.

8 Reference Deleted. Amend RSA 94:1-a, I by striking out in group L, director, port authority.

9 Reference Changed. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency [thereof] *of the state*, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire [port authority] *trade port commission*, or officials and employees of the New Hampshire housing finance authority, or directors, officers, and employees of the [Pease development authority] *New Hampshire trade port commission* seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such

person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

10 Reference Changed. Amend RSA 211:19-a, II to read as follows:

II. State conservation officers and persons appointed by the New Hampshire [state port authority] *trade port commission* shall enforce the provisions of this section, and may remove gear from the restricted area if the verbal request authorized in paragraph I of this section is ignored.

11 Reference Changed. Amend RSA 211:60-a, I and II to read as follows:

I. The New Hampshire [port authority] *trade port commission* together with the present advisory committee on shore fisheries shall call a meeting for the purpose of such nominations, by general and by special invitation, to encompass all interested in salt water fishing or in handling or serving such products, including state departments and organized groups affected, at which meeting such nominations shall be made and other marine fisheries activities reported. Such nominations shall be forwarded to the governor and council for their consideration.

II. For the original appointments hereunder there shall be nominated 4 persons, and thereafter there shall be nominated at least 2 persons for each vacancy. Said subsequent nominations shall be made by the [state port authority] *New Hampshire trade port commission*.

12 Reference Changed. Amend RSA 211:62-c to read as follows:

211:62-c Motor Vehicles Restricted from Clam Flats. No person shall operate or cause to be operated any motor vehicle at any time on or over any clam flats under the jurisdiction of this state. For the purposes of this section, clam flats are defined as any tidal area that is exposed at low tide and capable of growing clams. This section shall not apply in cases of emergency travel required in law enforcement or rescue operations nor when travel is authorized by the New Hampshire [port authority] *trade port commission* or New Hampshire fish and game department for projects designed for the improvement of the natural resources of the state. Whoever violates this section is guilty of a violation, and his fish and game licenses shall be subject to revocation for a period not to exceed one year.

13 Reference Changed. Amend RSA 216-B:4 to read as follows:

216-B:4 Operation and Maintenance. Upon completion of the project as herein provided, the federal government will assume the maintenance of the harbor entrance channel and facilities. The operation and management of the harbor improvement project shall be under the supervision of the New Hampshire [port authority] *trade port commission* and the supervision and maintenance of the beach replenishment project shall be by the division of parks and recreation as provided by existing statute.

14 Reference Changed. Amend RSA 216-C:2 to read as follows:

216-C:2 Federal Assistance. The New Hampshire [state port authority] *trade port commission* with the approval of the governor and council or the commissioner of public works and highways as their appointed agent, are hereby authorized to cooperate with and enter into agreements with the federal government, or any agency [thereof] *of the federal government*, as they may deem advisable to secure federal funds for the purposes hereof and further to render such assurances to the federal government on behalf of the state as the federal government may require, including but not limited to, an assurance that the state of New Hampshire will hold and save the United States free from all claims for damages that may arise before, during or after prosecution of the work.

15 Reference Changed. Amend RSA 270-E:2, II(e) to read as follows:

(e) A vessel used primarily for commercial purposes which, in the case of vessels used on tidal and coastal waters, is verified by the [port authority] *New Hampshire trade port commission* by means of a notarized document affirming that the vessel is so used.

16 Reference Changed. Amend RSA 270-E:3, II to read as follows:

II. The department shall furnish a registration certificate or temporary registration certificate and a vessel number to any person who meets the registration requirements. The certificate shall be kept upon the vessel at all times it is being operated, and the certificate shall be open to examination by any duly authorized representative of the department, peace officer, fish and game officer, or representative of the [port authority] *New Hampshire trade port commission* upon request. A person who refuses to produce the certificate upon request or who fails to keep the certificate on the vessel shall be guilty of a violation.

17 Reference Changed. Amend RSA 483-B:12, IV to read as follows:

IV. The [state port authority] *New Hampshire trade port commission* may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA [271-A] 12-G.

18 Reference Changed. Amend RSA 541-A:10, I(n) to read as follows:

(n) RSA 12-G, relative to the [Pease development authority] *New Hampshire trade port commission*.

19 Reference Changed. Amend RSA 541-B:1, I to read as follows:

I. "Agency" means all departments, boards, offices, commissions, institutions, other instrumentalities of state government, including but not limited to the New Hampshire [port authority] *trade port commission*, the New Hampshire housing finance authority, *and* the New Hampshire energy authority, [and the Pease development authority,] and the general court, including any official or employee of same when acting in the scope of his elected or appointed capacity, but excluding political subdivisions of the state.

20 Repeal. The following are repealed:

I. RSA 12-A:30, I(k), relative to the director of the Pease development authority.

II. RSA 271-A, relative to the New Hampshire state port authority.

21 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect on June 1, 1994.

AMENDED ANALYSIS

This bill merges the responsibilities of the Pease development authority and the New Hampshire port authority to create a New Hampshire trade port commission.

The commission shall be responsible for facilitating commerce in the seacoast area through development of air, sea, and surface transportation in the area.

The new commission shall come into existence June 1, 1994.

Amendment adopted.

Roll call request sufficiently seconded. The question being the adoption of the amended committee report.

YEAS 262

NAYS 100

YEAS 262

BELKNAP

Bartlett, Gordon
Hauck, William

Campbell, Richard, Jr.
Hawkins, Robert

Dewhirst, Glenn
Holbrook, Robert

Golden, Paul
Johnson, Carl

Lafiam, Robert
Salatiello, Thomas

Lawton, David
Smith, Linda

Rice, Thomas, Jr.
Turner, Robert

Rosen, Ralph
Ziegra, Alice

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Avery, Stephen
McGuirk, Paul
Perry, David

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Metzger, Katherine
Smith, Edwin

Manning, Joseph
Pearson, Gertrude
Young, David

Burns, Harold
Horton, Lynn

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Harwell, Tyler

Adams, Carl
Dow, David
Hill, Richard
Scanlan, David
Ward, Kathleen

Bean, Pamela
Driscoll, William
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Alson
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

Brown, Patricia
Ham, Bonnie
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bergeron, Lucien
Cepaitis, Elizabeth
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Fields, Dennis
Hanselman, Gregory
Holley, Sylvia
Jean, Loren
Kirby, Thomas
Lessard, Rudy
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Packard, Bonnie
Record, Alice
Sargent, Maxwell
Tate, Joan
Weergang, Alida

Ahern, Richard
Andrews, Frederick
Borsa, Andrew
Chabot, Robert
Desrosiers, William
Drolet, Paul
Eliades, George
Gagnon, Eugene
Hart, Nick
Holt, Mark
Johnson, Lionel
Kurk, Neal
Lown, Elizabeth
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Perkins, Paul
Rheault, Lillian
Searles, Stanley, Sr.
Turgeon, Roland
Wells, Peter, Sr.

Ahrens, Frederick
Arnold, Thomas, Jr.
Bowers, Dorothy
Cowenhoven, Garret
Dodge, Emma
Durham, Susan
Fenton, James
Gervais, Glen
Healy, Daniel
Hunter, Bruce
Kelley, Dana
L'Heureux, Robert
Lozeau, Donnalee
McNerney, Daniel
Milligan, Robert
Morello, Michael
Peters, Stanley
Riley, Frances
Smith, Leonard
Upton, Barbara
Wheeler, Robert

Allen, W. Gordon
Bagley, Amy
Burke, M. Virginia
Crotty, Edward
Domaingue, Jacquelyn
Dyer, Merton
Ferguson, Charles
Greenberg, Gary
Holden, Carol
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
Martin, Mary Ellen
McRae, Karen
Mittelman, David
Nardi, Theodora
Philbrook, Paula
Rothhaus, Finlay
Soucy, Richard
Vanderlosk, Stanley
Wright, George

MERRIMACK

Apple, Lowell
Carter, Susan
Feuerstein, Martin
Houlahan, Thomas
Lockwood, Robert
Regan, Maurice
Whalley, Michael

Barberia, Richard
Chandler, Earle
Fillion, Paul
Kennedy, Richard
Newland, Matthew
Shaw, Randall
Whittemore, James

Braiterman, Thea
Chandler, John
Hall, Douglas
Kidder, William
Nichols, Avis
Stapleton, Henry
Willis, Jack

Buessing, Marjorie
Daneault, Gabriel
Holmes, Mary
Langer, Ray
Pfaff, Terence
Weeks, John, Jr.

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita

Arndt, Janet
Boucher, William

Battles, Marjorie
Bove, Martin

Beaulieu, Jon
Campbell, Marilyn

Chester, Sherman
Cote, Charles
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hazelton, Robert
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Pantelakos, Laura
Raynowska, Bernard
Simon, Peter
Stritch, C. Donald
Vaughn, Charles
Williamson, William

Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Gargiulo, Louis
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Syracusa, Anthony
Warburton, Calvin
Woods, Deborah

Clark, Vivian
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Gorman, Donald
Hutchinson, Karen
Klemarczyk, Thaddeus
Lovejoy, Marian
Noyes, Richard
Pullman, Robert
Rubin, George
Smith, Arthur
Sytek, Donna
Welch, David
Yennaco, Carol

Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Groves, Bonnie
Kane, Cecelia
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Putnam, Ed, II
Senter, Merilyn
Stone, Joseph
Sytek, John
Weyler, Kenneth

STRAFFORD

Brown, Julie
Knowles, William
Spear, Barbara

Dunlap, Patricia
McKinley, Robert
Torr, Ann

Hashem, Elaine
Musler, George
Torr, Ralph

Hilliard, Dana
Nehring, William
Wasson, Richard

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

Lindblade, Eric

**NAYS 100
BELKNAP**

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Russell, Ronald

Burnham, Daniel
Lynch, Margaret

DePecol, Benjamin
Richardson, Barbara

Foster, Katherine
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Below, Clifton
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

HILLSBOROUGH

Asselin, Robert
Cote, David
Gage, Ruth
Jean, Claudette
O'Rourke, Joanne
Reidy, Frank
White, John

Bergeron, Normand
Drabinowicz, A. Theresa
Gosselin, Gerald
Laughlin, J. Francis
Paquette, Rodolphe
Smart, John

Buckley, Raymond
Dwyer, Patricia
Haettenschwiller, Alphonse
Morrissette, Roland
Pepino, Leo
Soucy, Donna

Clemons, Jane
Foster, Linda
Hall, Betty
Murphy, Robert
Plourde, Alphonse
Toomey, Kathryn

MERRIMACK

Dunn, Miriam
Moore, Carol
Teague, Bert

French, Barbara
Owen, Derek
Trombly, Rick

Gilbreth, Robert
Rogers, Katherine
Wallner, Mary Jane

Johnson, Joyce May
Soldati, Jennifer
Yeaton, Charles

ROCKINGHAM

Caswell, Albert, Jr.
Hurst, Sharleene
Richards, David
Teminko, Margaret

Clark, Martha
Johnson, Robert
Schanda, Joseph, Sr.

Coes, Betsy
McGovern, Cynthia
Splaine, James

Crossman, Harold, Jr.
Newman, Rick
St. Martin, Tommy

STRAFFORD

Callaghan, Frank
Hemon, Roland
McCann, William, Jr.
O'Brien, John
Snyder, Clair
Wall, Janet

Chagnon, Ronald
Keans, Sandra
McGrath, J. Gregory
Pageotte, Donald
Sullivan, Henry
Wheeler, Katherine

Gilmore, Gary
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Torr, Franklin

Hambrick, Patricia
Lundborn, Raymond
Merritt, Deborah
Pelletier, Marsha
Vincent, Francis

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

and the report was adopted.
Referred to Appropriations.

(RECESS)

(Speaker Burns in the Chair)

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 11, 1993 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 200-FN-A, relative to an actuarial audit of the New Hampshire retirement system, paid for from retirement system funds.

HB 469-A, allowing the state treasurer to issue bonds to pay for debt issuance costs.

HB 382, changing the annual rate of interest on judgments and business transactions.

SPECIAL ORDERS

Without objection, the Speaker made all remaining bills on the Calendar Special Orders for Thursday, March 11, 1993.

Rep. Ann Torr moved that the House stand in recess.

Adopted.

The House recessed at 4:55 p.m.

RECESS

Rep. John Flanders moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 11

Thursday, March 11, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by Deputy Speaker, Rep. Michael Hill.

His Excellency, Governor Stephen Merrill joined the Deputy Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty God, make us honest enough not to expect truth to be painless, humble enough to seek and welcome new insight and compassionate enough to build bridges of understanding so that we may look together upon the life we share, and call it good. Amen.

Rep. Linda Ann Smith led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ahlgren, Mason, Douglass, Carl Johnson, McNamara and George Brown, the day, illness.

Reps. Dykstra, Franks, Caswell, Champagne, Thomas Cain, C. William Johnson, Kincaid, Channing Brown, Blake, William McCann, Morello, Ahrens, Emma Dodge, Gargiulo, Crum, Holmes and Fesh, the day, important business.

Reps. Williamson and Irene Pratt, the day, illness in the family.

INTRODUCTION OF GUESTS

Charles Bushey, guest of Rep. Betty Hall. Mike Davis and Stephen Fournier, guests of Rep. Hilliard. Betty Jones and George and Inez Peters, guests of Rep. Rose Marie Rogers. Jennifer Fox, guest of Rep. Avery. Preston W. Leonard, guest of Rep. Gordon Wiggin. Helen Holbrook, wife of Rep. Holbrook.

SPECIAL ORDERS

HB 432-FN, authorizing the racing commission to license electronic games of chance only at pari-mutuel wagering race tracks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for the Majority of Regulated Revenues: HB432 will allow electronic games of chance confined to the four pari-mutuel tracks. It is necessary for the New Hampshire tracks to have equal legislation to remain competitive with the race tracks in Massachusetts. The bill is necessary to protect the three thousand jobs and fiscal impact that the race tracks have on their communities and the state. The bill will protect the existing millions generated by the pari-mutuel tax and generate, at the very least, \$7.5 million for New Hampshire. Vote 11-6.

Reps. Thomas A. Behrens, Leona Dykstra, Elaine M. Hashem, Betsy McKinney, Roland A. Morrisette and Henry F. Stapleton for the Minority of Regulated Revenues: The minority of the committee recognizes the concerns of the sponsors of this race track bill. However, in allowing placement of video gambling machines at the race tracks we are left many unanswered questions including local option, pari-mutuel vs. sweepstake control and the social and economic costs of the huge sums of money generated by the machines. We support a cautious alternative which reviews the entire question of gambling operations in New Hampshire.

Rep. McKinney moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Felch spoke against and yielded to questions.

Reps. Beverly Gage and Salatiello spoke in favor.

Rep. Avery requested a quorum count. The Chair declared a quorum present.

Reps. Avery, Newman, Hawkins and Hazelton spoke against and yielded to questions.

Reps. Ward and Gross spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 235**NAYS 122****YEAS 235****BELKNAP**

Campbell, Richard, Jr.
Holbrook, Robert
Salatiello, Thomas

Dewhirst, Glenn
Lafiam, Robert
Smith, Linda

Golden, Paul
Lawton, David
Turner, Robert

Hauck, William
Rosen, Ralph
Ziegler, Alice

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Mock, Henry

CHESHIRE

Bonneau, Sarah
Metzger, Katherine
Riley, William

Foster, Katherine
Pearson, Gertrude
Royce, H. Charles

Kingsbury, H. Thayer
Perry, David

Manning, Joseph
Richardson, Barbara

COOS

Bradley, Paula

Coulombe, Henry

Mayhew, Josephine

Wiswell, James

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Guest, Robert
Rose, William
Ward, Kathleen

Bean, Pamela
Copenhaver, Marion
Larson, Nils, Jr.
Scanlan, David
White, Paul

Brown, Alson
Croy, Elizabeth
McIlwaine, Deborah
Teschner, Douglass

Brown, Patricia
Gordon, Edward
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Arnold, Thomas, Jr.
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Drolet, Paul
Fenton, James
Gage, Ruth
Hanselman, Gregory
Kirby, Thomas
Lozeau, Donnalee
Mercer, Robert
Moore, Elizabeth
Paquette, Rodolphe
Rheault, Lillian
Soucy, Richard
Weergang, Alida

Allen, W. Gordon
Asselin, Robert
Buckley, Raymond
Clemons, Jane
Domaingue, Jacquelyn
Durham, Susan
Ferguson, Charles
Gagnon, Eugene
Holden, Carol
Kurk, Neal
Martin, Mary Ellen
Messier, Irene
Morrissette, Roland
Peters, Stanley
Riley, Frances
Tate, Joan
Wheeler, Robert

Amidon, Eleanor
Bagley, Amy
Burke, M. Virginia
Daigle, Robert
Donovan, Francis
Dwyer, Patricia
Fields, Dennis
Haettenschwiller, Alphonse
Holley, Sylvia
Leclerc, Charles
McNerney, Daniel
Mittelman, David
Murphy, Robert
Plourde, Alphonse
Smart, John
Upton, Barbara
White, John

Andrews, Frederick
Bergeron, Normand
Calawa, Leon, Jr.
Daniels, Gary
Drabinowicz, A. Theresa
Dyer, Merton
Foster, Linda
Hall, Betty
Holt, Mark
Lown, Elizabeth
McRae, Karen
Moncrief, Keith
Packard, Bonnie
Record, Alice
Smith, Leonard
Vanderlosk, Stanley
Wright, George

MERRIMACK

Apple, Lowell
Chandler, Earle
Fillion, Paul
Hall, Douglas
Lockwood, Robert
Regan, Maurice
Teague, Bert
Whalley, Michael

Barberia, Richard
Chandler, John
French, Barbara
Johnson, Joyce May
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane
Whittemore, James

Braiterman, Thea
Dunn, Miriam
Gilbreth, Robert
Kennedy, Richard
Nichols, Avis
Shaw, Randall
Ward, Jay
Willis, Jack

Carter, Susan
Feuerstein, Martin
Gross, Caroline
Kidder, William
Owen, Derek
Stapleton, Henry
Weeks, John, Jr.
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Campbell, Marilyn
Clark, Vivian
Dowd, Sandra
Flanders, John, Sr.
Kruse, Fred
McKinney, Betsy
Richards, David
Skinner, Patricia
Stritch, C. Donald
Warburton, Calvin

Arndt, Janet
Chester, Sherman
Coes, Betsy
Dube, LeRoy
Gage, Beverly
Lee, Rebecca
Moore, Benjamin
Ritzo, Eugene
Smith, Arthur
Sytek, Donna
Weyler, Kenneth

Beaulieu, Jon
Christie, Andrew, Jr.
Conroy, Janet
Flanagan, Natalie
Katsakiores, George
Lovejoy, Marian
Pratt, Katharin
Senter, Merilyn
St. Martin, Tommy
Sytek, John
Woods, Deborah

Boucher, William
Clark, Martha
Cote, Patricia
Flanders, David
Klemarczyk, Thaddeus
Malcolm, Kenneth
Putnam, Ed, II
Simon, Peter
Stone, Joseph
Terninko, Margaret
Yennaco, Carol

STRAFFORD

Brown, Julie
Hashem, Elaine
Loder, Suzanne
Merrill, Amanda
Pageotte, Donald
Spear, Barbara
Wasson, Richard

Dunlap, Patricia
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Pelletier, Arthur
Torr, Ann
Wheeler, Katherine

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Musler, George
Rogers, Rose Marie
Torr, Franklin

Hambrick, Patricia
Knowles, William
McKinley, Robert
Nehring, William
Snyder, Clair
Wall, Janet

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine

Behrens, Thomas
Holl, Ann
Peyron, Fredrik

Cloutier, John
Kane, Joan
Rodeschin, Beverly

Domini, Irene
Lindblade, Eric
Stamatakis, Carol

NAYS 122**BELKNAP**

Bartlett, Gordon

Hawkins, Robert

Rice, Thomas, Jr.

CARROLL

Allard, Nanci

Philbrick, Donald

Wiggin, Allen

Wiggin, Gordon

CHESHIRE

Avery, Stephen
Delano, Robert
Russell, Ronald

Burnham, Daniel
Lynch, Margaret
Smith, Edwin

Cole, Stacey
McGuirk, Paul
Young, David

DePecol, Benjamin
Robertson, Timothy

COOS

Foss, Frederic
Horton, Lynn

Guay, Lawrence
Mears, Edgar

Harwell, Tyler
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

GRAFTON

Below, Clifton
Hill, Richard

Dow, David
LaMott, Paul

Driscoll, William
Trelfa, Richard

Ham, Bonnie

HILLSBOROUGH

Ahem, Richard
Cowenhoven, Garret
Greenberg, Gary
Hunter, Bruce
Johnson, Lionel
Laughlin, J. Francis
Milligan, Robert
Perkins, Paul
Sargent, Maxwell
Turgeon, Roland

Borsa, Andrew
Crotty, Edward
Hart, Nick
Jasper, Shawn
Kelley, Dana
Lefebvre, Roland
Nardi, Theodora
Philbrook, Paula
Searles, Stanley, Sr.

Cepaitis, Elizabeth
Gervais, Glen
Healy, Daniel
Jean, Claudette
L'Heureux, Robert
Lessard, Rudy
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna

Cote, David
Gosselin, Gerald
Holt, David
Jean, Loren
Lachut, Ervin
McCarty, Winston
Pepino, Leo
Rothhaus, Finlay
Toomey, Kathryn

MERRIMACK

Buessing, Marjorie	Daneault, Gabriel	Hill, Michael	Houlahan, Thomas
Newland, Matthew	Pfaff, Terence	Soldati, Jennifer	Trombly, Rick

ROCKINGHAM

Battles, Marjorie	Bell, Juanita	Bove, Martin	Cote, Charles
Crossman, Harold, Jr.	Dowling, Patricia	Drake, Herbert	Felch, Charles, Sr.
Gorman, Donald	Groves, Bonnie	Hazelton, Robert	Hemenway, Thomas
Hurst, Sharleene	Hutchinson, Karen	Johnson, Bill	Johnson, Robert
Kane, Cecelia	Katsakiores, Phyllis	Klemm, Arthur, Jr.	McGovern, Cynthia
Miller, Don	Newman, Rick	Noyes, Richard	O'Keefe, Patricia
Packard, Sherman	Pantelakos, Laura	Pullman, Robert	Raynowska, Bernard
Rosencrantz, James	Rubin, George	Splaine, James	Syracusa, Anthony
Vaughn, Charles	Welch, David		

STRAFFORD

Callaghan, Frank	Chagnon, Ronald	Hilliard, Dana	McCann, William, Jr.
O'Brien, John	Sullivan, Henry	Torr, Ralph	Vincent, Francis

SULLIVAN

Burling, Peter	Schotanus, Merle
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and the motion passed.

The substituted report was adopted.

UNANIMOUS CONSENT

Rep. Lozeau addressed the House.

(RECESS)**(Speaker Burns in the Chair)****UNANIMOUS CONSENT**

Rep. Trombly addressed the House.

Rep. Buckley moved that the remarks of Rep. Trombly be printed in the Journal.
Adopted.

Rep. Trombly: Thank you Mr. Speaker and members of the House. There are times when you are a leader when you do things that you feel you have to do, and you do them. You are prepared to live with the consequences thereof. Speaker Burns does that, I do that and Don Gorman will do that.

There is something you members of the House on both sides of the aisle, all three sides of the aisle, must know. We were concerned about our role in the process. We were concerned because we wanted to be partners with the Republicans. We didn't walk away from this room. As a matter of fact, I hope I brought the Democrats back into this room.

Over the past two days, the Speaker of the House has been very generous in hearing me out and hearing out the Democratic leadership about our concerns, about being active members in the House. What we did today is that we agreed that we would present to the Speaker, not demands, not requirements, but our concerns about how we thought the process could improve. The Speaker said, "the Republican leadership is willing to listen and where we can reach an agreement we will do it." My intent is not to embarrass any one member of this House, least of all the Speaker of this body. I know the Speaker intends not to offend any member of this House, especially the Democratic Leader. But because we want to participate in this process, we are participating in the process. The Democratic leadership and the Republican leadership had agreed that we would meet very soon to discuss and to talk. That's what we need to do in this body. It was never personalities. It was never causes. It's because we want to be here. We all worked hard to be here.

I will defend this Speaker against any accusation, that when he talks to any member of the minority and tries to accommodate him and his concerns that he is somehow being weak or vacillating or conciliatory because that is the type of Speaker that I want to preside over this body. I

would not condemn the leader of any minority party for standing up and crying out in defense of his or her members. That is what you should expect of a minority leader. That is what you have seen. But there is something you should also expect of any leader of this body and not just me or this presiding officer and that is that when concerns are raised that they have the ability to sit down and talk about them rather than just draw lines and throw rocks. That is what this Speaker and I have done.

Nothing has happened about which I am ashamed or embarrassed and nothing will happen about which I will be ashamed or embarrassed. I do feel good that Tuesday next we will all sit down at a common table and talk. I don't think you should ask any less of us. I don't know if we can give you any more. I hope we can reach agreement. I'm certain we will. That is what you should want us to do. That is what we have agreed to try to do. We are being statespeople. But, sometimes in being statespeople you have to take certain actions.

Thank you Mr. Speaker.

UNANIMOUS CONSENT

Rep. Gorman addressed the House.

SPECIAL ORDERS (Cont'd.)

HB 672-FN-A-L, establishing a healthy kids corporation and making an appropriation therefor and continually appropriating a special fund. OUGHT TO PASS WITH AMENDMENT

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: This bill addresses health care at the beginning of problems—the children. A nonprofit organization will be established to organize and manage health care for children. Health care will be paid for by parents without the need for the parents to be insured. This will enable children to receive preventative health care early in their lives. The Insurance Department and the Department of Health and Human Services are unable to determine the fiscal impact of this bill on state, county and local revenues and expenditures. This bill appropriates \$240,000 for the biennium ending June 30, 1995 from the general fund to the healthy kids fund established by the bill for the start-up costs of the corporation. Vote 18-0.

Amendment (1819B)

Amend the bill by replacing section 1 with the following:

1 Purpose. The general court finds that increased access to health care services would improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have preventive services available or funded, and for those who do, lack of access is a restriction to getting service. It is the intent of the general court that a nonprofit corporation be organized to facilitate a program to bring preventive health care services to children who are otherwise not eligible for either public or private health insurance, and to provide access to comprehensive health insurance coverage to such children at a reasonable rate. The general court declares that a goal for the corporation is to cooperate with any existing preventive service programs funded by the public or private sector.

Amend RSA 126-H:3, III as inserted by section 2 of the bill by replacing it with the following:

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until his successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out his duties under this chapter. Any such expenses by board members shall have prior approval by 7 members of the board of directors before reimbursement. A member of the board of directors may be removed for cause by the official who appointed that member.

Amend RSA 126-H:4, 126-H:5 and 126-H:6 as inserted by section 2 of the bill by replacing them with the following:

126-H:4 Meetings of Board. Meetings shall be held at the call of the chairperson or when 5 members so request. Seven members of the board shall constitute a quorum and the affirmative vote of 7 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

126-H:5 Powers and Duties.

I. The corporation shall:

(a) Organize school children groups to facilitate the provision of preventive health care services to children at no more than 5 geographic pilot sites and to provide comprehensive health insurance coverage to children.

(b) Arrange for the collection of any premium, in an amount to be determined by the board of directors, from all participants to provide for preventive health care services or premiums for comprehensive health insurance coverage and for the actual or estimated administrative expenses incurred during the period for which payments are made.

(c) Consult appropriate professional organizations and establish standards for preventive health services and providers and comprehensive insurance benefits appropriate to children.

(d) Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation.

(e) Contract with authorized insurers or any provider of health care services, in accordance with standards established by the corporation, to provide comprehensive insurance coverage and preventative health care services to participants.

(f) Develop and implement a plan to publicize the New Hampshire healthy kids corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

(g) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state funds appropriated by the legislature and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

(h) Enter into contracts or agreements with local school boards or other agencies which choose to provide on-site information, enrollment, and other services necessary to the operation of the corporation.

(i) Provide an annual interim report, the first on or before January 1, 1994, to the governor, insurance commissioner, commissioner of health and human services, commissioner of education, senate president, and speaker of the house of representatives on the development of the program.

II. Coverage under the corporation's program shall be secondary to any other available private coverage held by the participant child or family member. The corporation may establish procedures for coordinating benefits under this program with benefits under other public and private coverage.

126-H:6 Rulemaking Authority. The corporation may adopt rules under RSA 541-A relative to:

I. The conduct of its business, including the administrative and accounting procedures for operation of the corporation.

II. The eligibility criteria which children and their family members must meet in order to participate in the program.

III. The procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

IV. Application procedures.

V. Schedules of fees and other charges to be made by the corporation and the insurer in renewing, acting upon, or accepting applications under this chapter and any other matters related to such applications as the corporation may deem necessary.

VI. Criteria for the selection of a possible 5 geographic pilot sites for the operation of the program.

VII. Confidentiality of medical records obtained under this chapter.

VIII. Such other matters as are necessary to carry out the powers and duties of the corporation.

Adopted.

Report adopted and referred to Appropriations.

CACR 1, relating to establishing a constitutional revenue stabilization fund. Providing that ten percent of all undesignated general fund revenues shall be deposited into a revenue stabilization fund, which may be withdrawn by the legislature, subject to certain conditions. INEXPEDIENT TO LEGISLATE

Rep. C. Donald Stritch for Constitutional and Statutory Revision: The Committee felt this bill placed heavy encumbrances on the ability of the legislature to control spending and balancing of the budget. Vote 18-0.

Adopted.

CACR 3, relating to mandated programs. Providing that "the state" shall include the state legislature or any state regulatory agency. RE-REFER TO COMMITTEE

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The Committee asks for re-referral at this time because of a pending Supreme Court decision which might answer the perceived need for this constitutional amendment. Vote 16-2.

Adopted.

CACR 4, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. INEXPEDIENT TO LEGISLATE

Rep. C. Donald Stritch for Constitutional and Statutory Revision: The Committee felt that this bill might politicize the Attorney General's Office; require his/her to have a two-year term and divert attention to election returns and concerns. Vote 13-5.

Rep. Burling moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Flanagan spoke against.

On a division vote 116 members having voted in the affirmative and 197 in the negative, the motion failed.

Report adopted.

CACR 5, relating to the election of judges. Providing that judges be elected for specified terms. INEXPEDIENT TO LEGISLATE

Rep. Randall F. Shaw for Constitutional and Statutory Revision: The Committee strongly believes that the judiciary system would not be enhanced by the election of judges. It fears it would probably compromise the independence and accountability of our judges by requiring them to raise campaign funds. Vote 17-2.

Rep. Hemon moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and withdrew his motion.

Rep. William McCann moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. William Riley and Paul White spoke against.

The motion failed.

The report was adopted.

HB 449, relative to listing candidates on general election ballots. RE-REFER TO COMMITTEE

Rep. David A. Young for Constitutional and Statutory Revision: The Committee felt this bill needed further study and will be impacted by pending legislation. Vote 17-1.

Adopted.

HB 520, eliminating straight ticket voting on the ballot. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.

Rep. Jack B. Willis for the Majority of Constitutional and Statutory Revision: On a 10-8 vote, the Committee had decided to vote "Ought to Pass," but some members had questions about whether the "straight ticket" voting was "broken" and irreparable or just "broken." Overnight, this member changed his mind on whether positive changes could be made to "straight ticket" voting rather than totally eliminated as was the previous day's decision. The committee, in gracious sympathy, voted, reconsideration. Vote 11-8.

Rep. Gary R. Gilmore for the Minority of Constitutional and Statutory Revision: Eliminating straight ticket voting in the words of a Union Leader editorial supporting HB 520, "DOES NOT — REPEAT — DOES NOT prevent a citizen voting for all candidates of one party if that is his or her inclination." HB 520 is straightforward and readily understood. Passage of this bill would result in less confusion for voters and ballot officials. Passage of this bill would result in voters taking a fleeting look at the names of the candidates even if it was only the names of the candidates of the party to which that voter belonged. Despite intense pressure, HB 520 was initially voted "Ought to Pass" by the committee.

Rep. Dickinson moved that debate be limited to 30 minutes, evenly divided, and that the time shall not include questions, and spoke in favor.

Adopted.

Rep. Kingsbury moved that the words Ought to Pass be substituted for the report of the Committee, Re-refer to Committee, spoke in favor and yielded to questions.

(Rep. Michael Hill in the Chair)

Reps. Thomas Arnold, Flanagan and Holden spoke against.

Reps. St. Martin and Hilliard spoke in favor.

Rep. Newland spoke in favor and yielded to questions.

Rep. Philbrook requested a quorum count. The Chair declared a quorum present.

Rep. Philbrook spoke in favor.

Rep. Trombly spoke in favor and yielded to questions.

Rep. Gilbreth moved that a four-minute extension be made to the time allotted for debate.

Adopted.

Reps. Warburton and Domaingue spoke against.

Rep. Gilbreth spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 145

NAYS 206

YEAS 145

BELKNAP

Campbell, Richard, Jr.

Hauck, William

Salatiello, Thomas

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Richardson, Barbara

Burnham, Daniel
Lynch, Margaret
Riley, William

DePecol, Benjamin
Manning, Joseph
Robertson, Timothy

Foster, Katherine
McGuirk, Paul
Russell, Ronald

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

GRAFTON

Below, Clifton
McIlwaine, Deborah

Copenhaver, Marion
Nordgren, Sharon

Crory, Elizabeth

Guest, Robert

HILLSBOROUGH

Ackerman, Philip
Bagley, Amy
Buckley, Raymond
Daigle, Robert
Fields, Dennis
Gosselin, Gerald
Jean, Claudette

Ahern, Richard
Bergeron, Lucien
Clemons, Jane
Donovan, Francis
Foster, Linda
Haettenschwiller, Alphonse
Johnson, Lionel

Allen, W. Gordon
Bergeron, Normand
Cote, David
Drabinowicz, A. Theresa
Gage, Ruth
Hall, Betty
Kirby, Thomas

Asselin, Robert
Borsa, Andrew
Crotty, Edward
Dwyer, Patricia
Gervais, Glen
Hanselman, Gregory
Laughlin, J. Francis

Leclerc, Charles
 Martin, Mary Ellen
 Morrisette, Roland
 Philbrook, Paula
 Soucy, Richard

Lefebvre, Roland
 Messier, Irene
 Murphy, Robert
 Plourde, Alphonse
 Toomey, Kathryn

Lessard, Rudy
 Moncrief, Keith
 Nardi, Theodora
 Reidy, Frank
 Turgeon, Roland

Lozeau, Donnalee
 Moore, Elizabeth
 O'Rourke, Joanne
 Soucy, Donna
 White, John

MERRIMACK

Braiterman, Thea
 French, Barbara
 Moore, Carol
 Rogers, Katherine
 Trombly, Rick
 Yeaton, Charles

Daneault, Gabriel
 Gilbreth, Robert
 Newland, Matthew
 Shaw, Randall
 Wallner, Mary Jane

Dunn, Miriam
 Hall, Douglas
 Owen, Derek
 Soldati, Jennifer
 Ward, Jay

Feuerstein, Martin
 Johnson, Joyce May
 Regan, Maurice
 Teague, Bert
 Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
 Kane, Cecelia
 O'Keefe, Patricia
 Splaine, James
 Vaughn, Charles

Clark, Martha
 Lee, Rebecca
 Pantelakos, Laura
 St. Martin, Tommy

Coes, Betsy
 McGovern, Cynthia
 Raynowska, Bernard
 Syracuse, Anthony

Groves, Bonnie
 Newman, Rick
 Rosencrantz, James
 Terninko, Margaret

STRAFFORD

Chagnon, Ronald
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Pelletier, Marsha
 Torr, Ralph

Gilmore, Gary
 Keans, Sandra
 McCann, William, Jr.
 O'Brien, John
 Rogers, Rose Marie
 Vincent, Francis

Hambrick, Patricia
 Knowles, William
 McGrath, J. Gregory
 Pageotte, Donald
 Snyder, Clair
 Wall, Janet

Hemon, Roland
 Loder, Suzanne
 Merrill, Amanda
 Pelletier, Arthur
 Sullivan, Henry
 Wheeler, Katherine

SULLIVAN

Allison, David
 Kane, Joan

Burling, Peter
 Palmer, Lorraine

Cloutier, John
 Stamatakis, Carol

Holl, Ann

NAYS 206

BELKNAP

Bartlett, Gordon
 Holbrook, Robert
 Rosen, Ralph

Dewhirst, Glenn
 Laflam, Robert
 Smith, Linda

Golden, Paul
 Lawton, David
 Turner, Robert

Hawkins, Robert
 Rice, Thomas, Jr.
 Ziegler, Alice

CARROLL

Allard, Nanci
 Dickinson, Howard, Jr.
 Philbrick, Donald

Beach, Mildred
 Foster, Robert
 Saunders, Howard

Bradley, Jeb
 Lyman, L. Randy
 Wiggin, Allen

Cogswell, Richard
 Mock, Henry
 Wiggin, Gordon

CHESHIRE

Avery, Stephen
 Pearson, Gertrude
 Young, David

Cole, Stacey
 Perry, David

Delano, Robert
 Royce, H. Charles

Metzger, Katherine
 Smith, Edwin

COOS

Foss, Frederic
 Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
 Chase, Paul, Jr.
 Ham, Bonnie
 Scanlan, David
 Ward, Kathleen

Bean, Pamela
 Dow, David
 Hill, Richard
 Teschner, Douglass
 White, Paul

Brown, Alson
 Driscoll, William
 Larson, Nils, Jr.
 Trelfa, Richard

Brown, Patricia
 Gordon, Edward
 Rose, William
 Wadsworth, Karen

HILLSBOROUGH

Amidon, Eleanor	Andrews, Frederick	Arnold, Thomas, Jr.	Bowers, Dorothy
Burke, M. Virginia	Calawa, Leon, Jr.	Cepaitis, Elizabeth	Chabot, Robert
Cowenhoven, Garret	Daniels, Gary	Desrosiers, William	Domaingue, Jacquelyn
Drolet, Paul	Durham, Susan	Dyer, Merton	Fenton, James
Ferguson, Charles	Gagnon, Eugene	Greenberg, Gary	Hart, Nick
Healy, Daniel	Holden, Carol	Holley, Sylvia	Holt, David
Holt, Mark	Hunter, Bruce	Jasper, Shawn	Jean, Loren
Kelley, Dana	Kelley, Robert	Kurk, Neal	L'Heureux, Robert
Lachut, Ervin	Lown, Elizabeth	McCarty, Winston	McNemey, Daniel
McRae, Karen	Mercer, Robert	Milligan, Robert	Mittelman, David
Packard, Bonnie	Paquette, Rodolphe	Pepino, Leo	Perkins, Paul
Peters, Stanley	Record, Alice	Rheault, Lillian	Riley, Frances
Rothhaus, Finlay	Sargent, Maxwell	Searles, Stanley, Sr.	Smith, Leonard
Tate, Joan	Upton, Barbara	Vanderosk, Stanley	Weergang, Alida
Wheeler, Robert	Wright, George		

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Carter, Susan
Chandler, Earle	Chandler, John	Fillion, Paul	Gross, Caroline
Houlahan, Thomas	Kennedy, Richard	Kidder, William	Langer, Ray
Lockwood, Robert	Nichols, Avis	Pfaff, Terence	Stapleton, Henry
Whalley, Michael	Whitemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Boucher, William	Bove, Martin	Campbell, Marilyn	Chester, Sherman
Clark, Vivian	Conroy, Janet	Cote, Charles	Cote, Patricia
Crossman, Harold, Jr.	Dowd, Sandra	Dowling, Patricia	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Flanagan, Natalie	Flanders, David
Flanders, John, Sr.	Gorman, Donald	Hemenway, Thomas	Hurst, Sharleene
Hutchinson, Karen	Johnson, Bill	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy	Miller, Don
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Pullman, Robert
Putnam, Ed, II	Richards, David	Ritzo, Eugene	Rubin, George
Senter, Marilyn	Simon, Peter	Skinner, Patricia	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Sytek, John
Warburton, Calvin	Welch, David	Weyler, Kenneth	Woods, Deborah
Yennaco, Carol			

STRAFFORD

Brown, Julie	Dunlap, Patricia	McKinley, Robert	Musler, George
Nehring, William	Spears, Barbara	Torr, Ann	Torr, Franklin
Wasson, Richard			

SULLIVAN

Behrens, Thomas	Domini, Irene	Flint, Gordon	Lindblade, Eric
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	

and the motion failed.

Report adopted.

HB 632, relative to filing requirements for candidates running for the office of state representative. RE-REFER TO COMMITTEE

Rep. Gary Gilmore for Constitutional and Statutory Revision: This bill generated heated debate. There were several amendments proposed and offers to pass the bill as is and "fix it" in the Senate. A majority of the Committee felt that it would be appropriate to re-refer HB 632 to further study the issues brought up by the bill. Vote 9-8.

Adopted.

HB 683-FN-L, relative to unfunded mandates and removing certain duties of local officials regarding the checklist and voter registration. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold, Jr. for Constitutional and Statutory Revision: This bill establishes a permanent house committee on mandates. The purpose is to develop policy guidelines and to act as a legislative panel to which political subdivisions of the state may direct unfunded mandate complaints. There is attached to the committee a separate commission designed to advise the committee and to recommend proposed legislation. Vote 16-2.

Amendment (1754B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a house committee on mandates.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; House Committee on Mandates. Amend RSA by inserting after chapter 17-0 the following new chapter:

CHAPTER 17-P

HOUSE COMMITTEE ON MANDATES

17-P:1 Committee Established. There is hereby established a permanent house committee on mandates.

17-P:2 Membership. The committee shall consist of 13 members who shall be appointed by the speaker of the house. The members who are appointed shall either be or shall become familiar with the constitutional, judicial, executive, and legislative matters which are involved in Part 1, Article 28-a of the New Hampshire constitution.

17-P:3 Officers. The speaker of the house shall choose from the membership of the committee a chairperson, a vice-chairperson, and a clerk.

17-P:4 Terms of Office. All members shall be appointed to serve on the committee for a term coterminous with their elected legislative office. They may be reappointed if reelected to the same office.

17-P:5 Duties. The committee shall:

I. Consider all matters affecting and dealing with Part I, Article 28-a of the New Hampshire Constitution.

II. Develop appropriate policy guidelines on unfunded state and federal mandates for the legislative and the executive branches of government.

III. Monitor legislation referred to house committees relating to any new, expanded, or modified programs or responsibilities which necessitate additional local expenditures by a political subdivision.

IV. Monitor such other legislation and matters that may be referred to the committee.

V. Act as a legislative panel to which towns, cities, school districts, and school boards may direct their unfunded mandate complaints.

17-P:6 Commission on Unfunded Federal and State Mandates.

I. There shall be attached to the committee a separate commission on unfunded federal and state mandates. The commission shall advise the committee relative to state and federal mandates which shall be considered by the committee, make recommendations to the committee for the modification or repeal of those mandates which are clearly unfunded by any political subdivision of the state, and make recommendations to the committee relative to proposed legislation.

II. The commission shall be composed of the following members:

(a) Two school board members, appointed by the New Hampshire School Boards Association.

(b) Two elected municipal officials, appointed by the New Hampshire Municipal Association.

(c) Two members of the house of representatives, appointed by the speaker of the house.

(d) Two members of the senate, appointed by the senate president.

(e) Two members of the New Hampshire Association of Counties, appointed by the association.

(f) One member appointed by the governor.

III. The chairperson of the committee, or designee, shall also serve as the chairperson of the commission.

IV. The legislative members shall be appointed to serve on the commission for a term coterminous with their elected legislative office. They may be reappointed if reelected to the same office.

17-P:7 Compensation. Members of the committee and the commission shall serve without compensation, except that the legislative members shall receive legislative mileage when performing their duties under this chapter.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill establishes a permanent standing house committee on mandates. The purpose of the committee is to develop policy guidelines and monitor legislation relative to unfunded state and federal mandates, and to act as a legislative panel to which political subdivisions of the state may direct unfunded mandate complaints. There is attached to the committee a separate commission designed to advise the committee and to recommend proposed legislation.

Rep. Thomas Arnold yielded to questions.

The amendment failed.

Rep. Harwell moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment.

Reps. Flanagan, Trombly and Young spoke against.

The motion failed.

Rep. Trombly moved that the words Re-refer to Committee be substituted for the report of the Committee Ought to Pass with Amendment.

Adopted.

HB 129, relative to possession of scanners when committing a crime. INEXPEDIENT TO LEGISLATE

Rep. Donna P. Sytek for Corrections and Criminal Justice: The committee spent a fair amount of time trying to correct the flaws in this bill. After much debate most members felt that criminalizing the use of scanners while committing a crime would neither act as a deterrent nor be used as a penalty in addition to the underlying offense. Indeed, some thought such a law would just "clutter up" the statutes and never be enforced. Vote 9-8.

Adopted.

HB 565, prohibiting hazing. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: After hearing much testimony, the committee was convinced that a law prohibiting student hazing is needed. The amendment, which is a complete re-write of the bill, makes it clear just what student hazing is. It also makes failure to report hazing, as well as hazing itself, an offense, and it adds explicit responsibilities of both the educational institution and the student organization relative to hazing. Vote 12-1.

Amendment (1759B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Student Hazing Prohibited. Amend RSA 631 by inserting after section 6 the following new section:

631:7 Student Hazing.

I. For the purposes of this section:

(a) "Educational institution" means any public or private high school, college, university, or other secondary or postsecondary educational establishment.

(b) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, athletic group, cooperative, club, or service, social or similar group, whose members are or include students.

(c) "Student" means any person regularly enrolled on a full-time or part-time basis as a student in an educational institution.

(d) "Student hazing" means any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when:

(1) Such act is likely or would be perceived by a reasonable person as likely to cause physical injury or substantial emotional distress to any person; and

(2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization.

II.(a) A natural person is guilty of a class B misdemeanor if such person:

(1) Knowingly participates as actor in any student hazing; or

(2) Being a student, knowingly submits to hazing and fails to report such hazing to law enforcement or educational institution authorities; or

(3) Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to law enforcement or educational institution authorities.

(b) An educational institution or an organization operating at or in conjunction with an educational institution is guilty of a misdemeanor if it:

(1) Knowingly permits or condones student hazing; or

(2) Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or

(3) Fails to report to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge.

III. The implied or express consent of any person toward whom an act of hazing is directed shall not be a defense in any action brought under this section.

2 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill prohibits student hazing by certain organizations whose members are, or include students.

Adopted.

Rep. Harwell spoke against.

Rep. Mittelman spoke in favor.

Rep. Donna Sytek spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

HB 168, transferring the rulemaking authority from the board of education to the commissioner of education. INEXPEDIENT TO LEGISLATE

Rep. Stanley N. Searles for Education: Since this bill was co-related to HB 558 and HB 561, it was decided by the committee to find this bill Inexpedient to Legislate in favor of the other measures. Vote 17-1.

Adopted.

HB 205-FN-A-L, relative to the statewide education assessment program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Susan D. Carter for Education: HB 205-FN-A, as amended, establishes a statewide education improvement and assessment program, the purpose of which is to aid in the improvement of education and to provide an effective measure of accountability. The program is to be based upon the development of educational standards which specify what students should know and be able to do. The amendment calls for state expenditures of \$120,000 for FY ending June 30, 1993, \$225,000 for FY ending June 30, 1994, and \$675,000 for FY ending June 30, 1995. Vote 16-0.

Amendment (1794B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the statewide education improvement and assessment program and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

I New Subparagraph; Rulemaking Authority. Amend RSA 21-N:9, II by inserting after subparagraph (v) the following new subparagraph:

(w) The exemption of certain students from participation in the statewide education assessment.

2 New Chapter; Education Improvement and Assessment Program. Amend RSA by inserting after chapter 193-B the following new chapter:

CHAPTER 193-C

STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM

193-C:1 Statement of Purpose.

I. Improvement and accountability in education are of primary concern to all of the citizens of New Hampshire. A well-educated populace is essential for the maintenance of democracy, the continued growth of our economy, and the encouragement of personal enrichment and development.

II. A statewide education improvement and assessment program built upon the establishment of educational standards specifying what students should know and be able to do is an important element in educational improvement. Such a program also serves as an effective measure of accountability when the assessment exercises or tasks are valid and appropriate representations of the curriculum standards that students are expected to achieve.

III. Widespread participation in the establishment of a statewide education improvement and assessment program is essential. Consultation with educators at all levels, business people, government officials, community representatives, and parents must occur in the development of educational standards. In turn, widespread dissemination of those standards, once established, must occur. Teachers, administrators, and school board members must be fully apprised of these state-developed standards. They must, in turn, communicate these expectations to students and parents, and find and implement methods to enable students to acquire and apply the requisite knowledge and skills.

IV. In addition, the assessment results must be reported to students, parents, teachers, administrators, school board members, and to all other citizens of New Hampshire in order that informed decisions can be made concerning curriculum, in-service education, instructional improvement, teacher training, resource allocation, and staffing.

V. A critical part of this program is the local education improvement and assessment plan. In order for an assessment program to give an accurate picture of student performance, it must include more than a one-time measure. Local school districts should devise and implement measures which focus on the continuing growth of individual students, and report the results to parents along with those obtained from the state-developed tool.

VI. The purpose of the statewide education improvement and assessment program is not to establish a statewide curriculum. It is, rather, to establish what New Hampshire students should know and be able to do and to develop and implement effective methods for assessing that learning and its application so that local decisions about curriculum development and delivery can be made.

193-C:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of education.

II. "Committee" means the oversight committee established to review the statewide education improvement and assessment program.

III. "Department" means the department of education.

IV. "Program" means the New Hampshire statewide education improvement and assessment program.

193-C:3 Program Established; Goals. There is established within the department of education a statewide education improvement and assessment program. In carrying out this program the department shall consult widely with educators at all levels, business people, government officials, community representatives, and parents.

I. The aims of this program shall be to:

(a) Define what students should know and be able to do.

(b) Develop and implement methods for assessing that learning and its application.

(c) Report assessment results to all citizens of New Hampshire.

(d) Help to provide accountability at all levels.

(e) Use the results, at both the state and local levels, to improve instruction and advance student learning.

II. Since the program is not a minimum competency testing program, assessment instruments should be designed to reflect the range of learning exhibited by students. The assessment

portion of the program shall consist of a variety of assessment tasks which can be objectively scored. The assessment instruments shall include, but not be limited to:

(a) Constructed response items which require students to produce answers to questions rather than to select from an array of possible answers.

(b) A writing sample.

(c) Other open-ended performance tasks.

III. The following criteria shall be used in the development of the program:

(a) Educational standards specifying what students should know and be able to do shall be clearly defined before assessment procedures and exercises are developed.

(b) The assessment exercises or tasks shall be valid and appropriate representations of the standards the students are expected to achieve.

(c) At each grade level assessed, the standards and expectations shall be the same for every New Hampshire student.

(d) Teachers shall be involved in designing and using the assessment system.

(e) Assessment frameworks and reports shall be understandable and widely disseminated to parents, teachers, administrators, other school personnel, school board members, teacher preparation programs, business people, government officials, and community members.

(f) The assessment system shall be subject to continuous review and improvement.

IV. The assessment system shall generate data which may be used:

(a) At the student level, by students, parents, and teachers, to determine what the student knows and is able to do in relationship to the state-established standards.

(b) At the classroom and school building levels, to monitor student progress and to enhance learning.

(c) At the district level, to measure school and district-wide progress toward meeting goals and outcomes, to revise curriculum, to design in-service education programs, and to improve instruction.

(d) At the state level, to measure what students know and are able to do in relation to the attainment of goals and outcomes from the assessment frameworks, and to report the results to the citizens of New Hampshire.

(e) At the state level, to target services to schools, improve existing programs, develop new initiatives, and revise standards for school improvement, teacher certification, etc.

(f) At the college level, to integrate into teacher preparation programs instruction in state-established standards, techniques for enhancing student learning in these areas, and the use of assessment results to improve instruction.

(g) At all levels, to correlate, to the extent possible, with national goals and international standards.

(h) At all levels, to provide a basis for accountability.

193-C:4 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the exemption of certain students from participation in the program.

193-C:5 Areas of Assessment. The academic areas to be assessed shall include, but not be limited to: reading and language arts, mathematics and science, and history and geography.

193-C:6 Assessment Required. Each year, a statewide assessment shall be administered in all school districts in the state in 3 grades: an elementary grade, a middle or junior high grade, and a high school grade. All public school students in the designated grades shall participate in the assessment, unless such student is exempted. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment.

193-C:7 Oversight Committee. An oversight committee shall be established consisting of:

I. The chairperson of the house education committee, or a designee.

II. The chairperson of the senate education committee, or a designee.

III. One member of the house of representatives, appointed by the speaker of the house.

IV. One member of the senate, appointed by the senate president.

V. One member of the house appropriations committee, appointed by the speaker of the house.

VI. One member of the senate finance executive committee, appointed by the senate president.

193-C:8 Duties of the Oversight Committee. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall require committee approval.

193-C:9 Local Education Improvement and Assessment Plan.

I. Each school district in New Hampshire is encouraged to develop a local education improvement and assessment plan which builds upon and complements the goals established for the program, including:

(a) Local assessment measures which focus on individual student performance.

(b) Participation in the program.

(c) The use of local and statewide assessment results to improve instruction and enhance student learning.

(d) Methods for reporting the results of all assessment measures.

II. This plan may be submitted to the department of education for review. The department shall provide technical assistance at the request of the school districts in developing and implementing these assessment plans.

III. In addition, local school districts are encouraged to submit to the department of education information relating to:

(a) Methods of instruction which have proven to be effective in helping students reach the state-developed standards.

(b) Methods of assessment which have proven to be effective in assessing what students know and are able to do.

IV. In accordance with RSA 21-N:6, VII, the department shall develop a system whereby such information can be collected, compiled, and disseminated to local school districts.

3 Appropriation. The sum of \$120,000 for the fiscal year ending June 30, 1993, is hereby appropriated to the department of education for the purpose of funding the statewide education improvement and assessment program under RSA 193-C inserted by section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Appropriation. The sum of \$225,000 for the fiscal year ending June 30, 1994, and the sum of \$675,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of education for the purpose of funding the statewide education improvement and assessment program under RSA 193-C. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Repeal. 1992, 289:58, relative to the oversight committee, is repealed.

6 Effective Date.

I. Sections 1-3 and 5 of this act shall take effect upon its passage.

II. Section 4 of this act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill establishes the New Hampshire statewide education improvement and assessment program, sets forth criteria for the development and implementation of the program, and makes appropriations to fund the program through fiscal year 1995.

Rep. Carter spoke in favor and yielded to questions.

Adopted.

Rep. Daniels moved that the words Re-refer to Committee be substituted for the report of the Committee, and spoke in favor.

Rep. Larson spoke against.

The motion failed.

Report adopted and referred to Appropriations.

HB 558, requiring the board of education to submit its proposed rules to the standing legislative education committees for approval or objections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: The committee agrees unanimously that this bill sets good procedures; the State Board continues to make rules, but the Education Committee will have input on the long-range policy issues relative to standards and statewide testing and assessment. Vote 15-0.

Amendment (1766B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the board of education to submit its proposed rules relative to standards and statewide testing and assessment to the standing legislative education committees for approval or objections.

Amend the bill by replacing section 1 with the following:

1 Reference to New Rulemaking Provision. Amend the introductory paragraph of RSA 21-N:9, I to read as follows:

I. The board of education shall adopt rules, pursuant to RSA 541-A *and* RSA 21-N:9-a, relative to [minimum] standards *and statewide testing and assessment* for:

Amend the bill by deleting section 2 and renumbering sections 3-7 to read as 2-6, respectively.

Amend RSA 21-N:9-a, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Prior to filing a notice of a proposed rule under RSA 21-N:9, I, pursuant to RSA 541-A:3, I, the state board shall submit those proposed rules to the committee for review. Within 30 days after such submission, the committee shall review the proposed rule and provide written recommendations to the board relative to the educational merits and value of the proposed rule including, but not limited to:

- (1) Adoption of the rule with amendments.
- (2) Rejection of the rule.
- (3) Request for further public input.

AMENDED ANALYSIS

This bill requires the board of education to submit proposed rules relative to standards and statewide testing and assessment, to the education committees of both the senate and the house of representatives for approval or objections before submitting those rules for approval under RSA 541-A and again within 45 days of the filing of a final proposal with the director of legislative services.

Reps. Durham and William Riley spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 119-FN-L, relative to the administration and enforcement of the pesticides statutes. MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Leighton Pratt for the Majority of Environment and Agriculture: Because of the complexity and technical nature of pesticide use, and the desired need for uniformity in its regulation, the majority of the committee feels this bill ought to pass. Specifically, the majority based its decision on the following reasons: 1) the use of pesticides is a very important tool used by the agriculture and forestry communities, as well as the lawn care, pest control communities, etc.; 2) the NH Pesticide Control Board has a great deal of expertise and has proved itself very effective in the administration and regulation of pesticide use; 3) only a handful of towns have the expertise to effectively manage pesticide use at the local level, much less have the ability to enforce the pesticide control ordinances they might impose. Vote 14-5.

Reps. Dan Burnham, Gregory Hanselman and Amanda Merrill for the minority of Environment and Agriculture: This pre-emptive legislation takes all authority from municipalities to pass local pesticide control ordinances and revokes all such existing ordinances. No evidence was presented to show the need for such drastic legislation and the minority has concerns it may run counter to a US Supreme Court decision. An amendment will be offered which will strengthen statewide pesticide control under the NH Pesticide Control Board while protecting the municipal option of passing local ordinances.

Majority report adopted and ordered to third reading.

HB 141-FN, modifying the acid deposition control program. OUGHT TO PASS WITH AMENDMENT

Rep. Bonnie L. McCann for Environment and Agriculture: As amended, the bill clarifies existing rules and removes ambiguous language. The Clean Air Act amendments of 1990 take care of this. Vote 14-4

Amendment (1843B)

Amend the bill by inserting after section 1 the following and renumbering section 2 to read as 3.
2 Repeal. RSA 125-D:1, IV and V, relative to an acid deposition control program and control of sulfur dioxide emissions, are repealed.

AMENDED ANALYSIS

This bill deletes the second phase of the acid deposition control program.

This bill also repeals the requirement that the state of New Hampshire establish a program to control acid deposition in the absence of a regional or federal program.

Adopted.

Report adopted and ordered to third reading.

HB 570-FN-L, imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Scanlan for Environment and Agriculture: HB 570 would create a statewide current use reimbursement program funded by an increase in the percentage of the change of use tax. This bill is designed to raise constitutional questions that would be associated with such changes so the Committee can use the Supreme Court rulings for future deliberations on this issue. A motion will be made to "lay this bill on the table" while a resolution raising the constitutional questions is sent to the Supreme Court. Vote 12-0.

Amendment (1576B)

Amend the title of the bill by replacing it with the following:

AN ACT

creating a statewide current use reimbursement program.

Amend the introductory paragraph of RSA 79-A:7-a, I as inserted by section 1 of the bill by replacing it with the following:

I. At the same time as an owner pays the land use change tax pursuant to RSA 79-A:7, I, the owner shall pay an additional penalty assessment for land which changed from a qualifying use to a non-qualifying use under RSA 79-A:7 within the first 10 years of acquisition of ownership or enrollment in the program. The amount of penalty assessment paid shall be determined as follows:

Amend RSA 79-A:7-a, II as inserted by section 1 of the bill by replacing it with the following:

II. There is established a current use reimbursement fund. Any penalty assessment received by the municipality under this section shall be paid to the department of revenue administration within 30 days of receipt by the municipality and deposited into the current use reimbursement fund. The current use reimbursement fund shall be continually appropriated to the department of revenue administration. On July 1 of each year, the department of revenue administration shall distribute all money collected in the prior fiscal year which is in the current use reimbursement fund to all municipalities which have more than 50 percent of their total taxable, private land area in current use on a per acre basis.

AMENDED ANALYSIS

This bill establishes a statewide current use reimbursement program. This bill imposes a land use change penalty assessment for land which changes from a qualifying to a non-qualifying use within 10 years of acquisition or enrollment. This penalty assessment is to be paid by the landowner to the municipality at the same time as the land use change tax is paid. The municipality shall pay penalty assessments received to the department of revenue administration. The department of revenue administration shall then, on an annual basis, distribute penalty assessment funds raised to municipalities that have more than 50 percent of their total taxable, private land area in current use on a per acre basis.

The fund is continually appropriated to the department for this purpose.

Adopted.

Rep. Scanlan spoke in favor.

LAI D ON THE TABLE

Rep. Wasson moved that **HB 570-FN-L**, imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use, be laid on the table.

Adopted.

SPECIAL ORDERS (Cont'd.)
HOUSE RESOLUTION NO. 20

requesting an opinion of the justices concerning the constitutionality of **HB 570-FN-LOCAL**.

Whereas, there is pending in the House, **HB 570-FN-LOCAL**, "An act imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use;" and

Whereas, an amendment has been proposed to **HB 570-FN-LOCAL** (document #1576B); and

Whereas, **HB 570-FN-LOCAL**, as amended, would create a land use penalty assessment for land which changed from a qualifying use within 10 years of acquisition or enrollment; and

Whereas, **HB 570-FN-LOCAL**, as amended, would require that the penalty assessment be paid by the landowner at the same time that the land use tax is paid; and

Whereas, **HB 570-FN-LOCAL**, as amended, would require that municipalities pay the penalty assessments received to the department of revenue administration; and

Whereas, **HB 570-FN-LOCAL**, as amended, would require that the department of revenue administration distribute on an annual basis such penalty assessment funds to municipalities which have more than 50 percent of their total, taxable private land area in current use, such distribution to be made on a per acre basis; and

Whereas, questions have arisen as to the constitutionality of certain provisions of the bill; and

Whereas, it is important that the question of constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Does assessing a penalty in addition to the land use change tax for a change in use which occurs within 10 years of the date the property is placed into current use impermissibly classify taxpayers in violation of Article 12, Part I and Article 5, Part II of the New Hampshire Constitution or deprive persons of equal protection of the laws under Articles 1 and 12, Part I, of the New Hampshire Constitution?

2. Does assessing a penalty at a different rate based upon the length of time the land has been in current use impermissibly classify taxpayers in violation of Article 12, Part I and Article 5, Part II of the New Hampshire Constitution or deprive persons of equal protection of the laws under Articles 1 and 12, Part I of the New Hampshire Constitution?

3. Does either the payment of the penalty assessments to the state or the state redistribution of the penalty assessments to municipalities, which may not have paid any penalty assessment, violate Article 12, Part I and Article 5, Part II of the New Hampshire Constitution?

4. Does either an increase in the rate of land use change tax or the imposition of a penalty for a land use change on land already in current use violate the constitutional prohibition against retrospective laws set forth in Article 23, Part I of the New Hampshire Constitution?

That the clerk of the house of representatives transmit a copy of this resolution along with a copy of **HB 570-FN-LOCAL** and the amendment to **HB 570-FN-LOCAL** (document #1576B) to the Justices of the New Hampshire Supreme Court.

Adopted.

HB 174-FN-L, relative to cost of living adjustments for members of the New Hampshire retirement system. INEXPEDIENT TO LEGISLATE

Rep. Kathleen W. Ward for Executive Departments and Administration: The sponsor of this legislation requested that we find it ITL because the subject matter is covered in another bill.
 Vote 11-0

Adopted.

HB 196-FN, relative to the method for financing additional benefits for retirement system members. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill as amended will reduce the funded ratio of the four components of the special account from 125 to 120. The trustees and actuary agree that this ratio can be reduced to a level of 120 and retain the soundness of the system. This will not affect state, county or local contributions but will change the methods of allocating funds to the special account and special reserve of the NHRS account. Vote 10-0.

Amendment (1687B)

Amend the bill by replacing sections 1 and 2 with the following:

1 Funded Ratio for Member Classifications. Amend RSA 100-A:16, II(h)(3) and (4) to read as follows:

(3) For each member classification for which the funded ratio equals or exceeds [125] **120** percent, the entire amount allocated in subparagraph (2) shall be credited to that component of the special account.

(4) For each member classification for which the funded ratio is less than [125] **120** percent, 1/2 of the amount allocated in subparagraph (h)(2) shall be credited to that component of the special account and the other half shall be held in a special reserve, which shall be recognized in the determination of the funded ratio, until the funded ratio for that member classification reaches [125] **120** percent. Any excess of the amount allocated over the amount needed to bring the funded ratio to [125] **120** percent shall be credited to that component of the special account and not to the special reserve.

2 Funded Ratio for Member Classifications. Amend RSA 100-A:16, II(h)(6) to read as follows:

(6) When the funded ratio for any member classification reaches [140] **135** percent, any part of that component of the special reserve, with accumulated earnings thereon at the actuarially-assumed rate, which is in excess of the amount needed to achieve a [140] **135** percent funded ratio, shall be transferred to that component of the special account.

Adopted.

Report adopted and referred to Appropriations.

HB 203-FN-A, authorizing the appropriation of funds to compensate the board of engineers for unforeseen expenses related to investigations and enforcement. RE-REFER TO COMMITTEE

Rep. Sandra K. Dowd for Executive Departments and Administration: The committee felt it needed more time to study this bill, which is in conflict with HB 439. The committee wants each bill to stand on its own. Vote 9-2.

Adopted.

HB 261-FN, transferring ownership of the Seabrook Commercial Fish Pier to the town of Seabrook. OUGHT TO PASS WITH AMENDMENT

Rep. William B. Rose for Executive Departments and Administration: This involves rare cooperation between state, town and private enterprise. The bill transfers the ownership of the Seabrook Commercial Fish Pier to the town of Seabrook. This action will insure a safe fish supply process, with some export potential. The Department of Resources and Economic Development is in favor. Vote 13-0.

Amendment (1807B)

Amend the bill by replacing section 1 with the following:

1 Transfer of Seabrook Commercial Fish Pier to Town of Seabrook.

I. Notwithstanding any other provisions of law to the contrary, the title to the Seabrook Commercial Fish Pier and the acreage associated with the pier, which is currently owned by the state of New Hampshire and subleased by the department of resources and economic development to the Yankee Fisherman's Cooperative, is hereby transferred from the state to the town of Seabrook, subject to the conditions of paragraph II.

II. Title to the Seabrook Commercial Fish Pier and its associated acreage shall revert to the state of New Hampshire, under the management of the department of resources and economic development, if one or more of the following conditions occurs:

(a) The Seabrook Commercial Fish Pier and its associated acreage is not used for the purpose of encouraging the growth of the commercial fishing industry for a period of more than one year.

(b) The town of Seabrook fails to maintain the Seabrook Commercial Fish Pier and its associated acreage in at least the same physical condition in which the pier and its acreage were in at the time of the transfer.

(c) The town of Seabrook uses the Seabrook Commercial Fish Pier and its associated acreage for any purpose in a way which would compete commercially with any state park located on the New Hampshire seacoast.

(d) The town of Seabrook does not assure that all members of the public shall have access to and use of the Seabrook Commercial Fish Pier and its associated acreage.

AMENDED ANALYSIS

This bill transfers the title to the Seabrook Commercial Fish Pier and the associated acreage from the state of New Hampshire to the town of Seabrook.

The bill also specifies that title to the Seabrook Commercial Fish Pier and its associated acreage reverts to the state upon the happening of one or more specific conditions.

Adopted.

Report adopted and ordered to third reading.

HB 288, relative to teacher representation on the New Hampshire retirement system board of trustees. OUGHT TO PASS

Rep. J. Gregory McGrath for Executive Departments and Administration: The New Hampshire Federation of Teachers currently does not have any representation on the New Hampshire Retirement System board of trustees. This bill allows it to nominate five candidates for appointment to fill two teacher positions on the board. The composition and method of appointment to the board will not change. Vote 8-2.

Adopted and referred to Appropriations.

HB 414-FN-L, providing a 2 percent cost of living adjustment for permanent firemen members of the retirement system. RE-REFER TO COMMITTEE

Rep. J. Gregory McGrath for Executive Departments and Administration: The committee supports giving a cost of living allowance (COLA) to retired firemen but this bill does not fund such an increase in an appropriate manner. More time is needed to gather data from the retirement system actuary for the committee to develop a properly funded COLA. Vote 10-0.

Adopted.

HB 433-FN-L, providing a cost of living adjustment for group I and group II retirement system members. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill establishes a process for granting COLAs to the retired members of the New Hampshire Retirement System. A COLA may be granted by the Fiscal Committee of the General Court if the respective components of the special account have sufficient funds, as certified by the actuary, to terminally fund the COLA. The COLA if granted shall be between one percent and five percent and in half percent increments. The bill will become effective on July 1, 1994. Any COLA bill passed this session by special legislation will become effective on the date indicated in each individual bill. The bill does not guarantee a COLA but does set up a process and provides permanent COLAs to retired members of the New Hampshire Retirement System. Vote 10-0.

Amendment (1835B)

Amend the bill by replacing all after the enacting clause with the following:

1 Granting Supplemental Allowances. Amend RSA 100-A:41-a, I and II to read as follows:

I. *On July 1, 1994, and on every July 1 thereafter*, any member of the New Hampshire retirement system or any of its predecessor systems, after retirement, or any beneficiary of such member who is receiving a monthly allowance, shall be entitled to receive supplemental allowances, which may also be referred to as cost of living adjustments or COLA's[, if and when enacted by the legislature]. *Beginning on July 1, 1994, the member shall have been retired for a period of 12 months prior to the date on which the supplemental allowance is granted. The*

amount of such supplemental allowances shall be limited to a sliding calculation of from one to 5 percent annually, and to increments of no less than 1/2 of one percent. The source of funding shall be allocated from the special account, upon a finding that the conditions of paragraph II have been met. The granting of a supplemental allowance under this paragraph shall require the approval of the fiscal committee of the general court on February 1 of each year, upon a finding that sufficient funds are available in the special account. For the purpose of reaching this determination, the actuary shall look at each member classification component of the special account separately, and shall certify to the fiscal committee of the general court what funds are available in the special account, any change in the Consumer Price Index for the year in which the supplemental allowance is to be granted, and any other information which the fiscal committee of the general court shall deem necessary for its approval of the granting of a supplemental allowance. The amount of the additional allowance shall be determined separately for retired members and beneficiaries of each member classification. Any such supplemental allowance when granted by the [legislature] fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13 or similar provisions of predecessor systems.

II.(a) The granting of any such supplemental allowance, or of any increase in supplemental allowances, shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the special account established under RSA 100-A:16, II(h)[, or from such other source as the legislature may determine].

(b) A supplemental allowance shall only be granted if such grant would not result in a reduction in the funds in the respective component of the special account to an amount which would be insufficient for an additional one percent allowance.

2 Effective Date. This act shall take effect June 30, 1994.

AMENDED ANALYSIS

This bill changes the way supplemental allowances are determined and granted for each member classification of the New Hampshire retirement system. The amount of a supplemental allowance shall be limited to a sliding calculation of from one to 5 percent annually in increments of no less than 1/2 of one percent, and shall be based upon the change in the Consumer Price Index. The supplemental allowance is granted by the fiscal committee of the general court.

The bill also provides that no supplemental allowance shall be granted if that would reduce the funds in the member component of the special account which is used to fund the supplemental allowance to an amount which would be insufficient for a one percent additional allowance.

Adopted.

Rep. Ward spoke in favor and yielded to questions.

Report adopted and referred to Appropriations.

HB 440-FN, providing a 2 percent cost of living adjustment for certain employee members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill provides a cost of living allowance for retired employee members of Group I of the New Hampshire Retirement System. This COLA will be terminally funded from the employee component of the special account and amounts to a 3% COLA for those retired prior to July 1, 1985 and a 1% COLA for those retired after July 1, 1985 and before July 1, 1991. Vote 10-0.

Amendment (1826B)

Amend the title of the bill by replacing it with the following:

AN ACT

providing cost of living adjustments for certain employee members of the retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Allowances for Employee Members of Group I.

I. As of July 1, 1993, all group I employee beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1985, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of 2 percent. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance as provided in RSA 100-A:41-a.

II. As of July 1, 1993, all group I employee beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1991, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of one percent. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

III. Persons who qualify for additional allowances under both paragraphs I and II shall qualify for both additional allowances.

2 Funding of Additional Allowances. The total actuarial cost of providing the additional allowances as provided in section 1 of this act shall be funded from the group I employee member component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1993.

3 Effective Date. This act shall take effect June 30, 1993.

AMENDED ANALYSIS

As of July 1, 1993, this bill grants retired employee members of group I of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1991, an additional allowance of one percent. In addition, the bill grants such retired employee members who retired prior to July 1, 1985, an additional allowance of 2 percent.

Adopted.

Report adopted and referred to Appropriations.

HB 594, relative to medical and surgical benefits for group I and group II retired employees. **UGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill corrects an oversight that occurred in the medical coverage of state employee members of group II who retired before 60 years of age but with at least 20 years service. The amendment covers employees of local governments that are members of group II who also retired before age 60 but with more than 20 years service. This bill applies only to those retired as of June 30, 1988 and were eligible for vested deferred benefits as of July 1, 1993. Vote 11-0.

Amendment (1688B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to medical and surgical benefits for group I and group II retired employees
and relative to the payment of medical benefits to certain
group II retirement system members.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Medical Benefits for Additional Group II Members. Amend RSA 100-A:52, I by inserting after subparagraph (e) the following new subparagraph:

(f) Any person who, prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, is eligible for vested deferred retirement benefits.

4 Method of Financing Medical Benefits for Group II Members. Amend RSA 100-A:53, II to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988 by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the

benefits provided through the subtrust are fully funded or until the total accumulated reimbursement equals *the sum of (i) the initial special account amount as of June 30, 1988, of \$52,800,000, (ii) the additional special account amount as of June 30, 1993, which shall be determined by the actuary as an amount which shall be sufficient to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(f), and (iii) [plus] future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.*

5 Medical Benefits Extended. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988, *and to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits.* Such additional benefits shall not apply to *other* persons who become members of group II after June 30, 1988, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

6 Effective Date. This act shall take effect June 30, 1993.

AMENDED ANALYSIS

This bill clarifies the provision that group II members of the New Hampshire retirement system are eligible for medical and surgical benefits when they retire, and that they do not need to first meet the definition of a "retired employee" under RSA 21-I:30. The bill allows a vested deferred state retiree to receive medical and surgical benefits when he becomes eligible for service retirement, rather than when he reaches age 60.

The bill also provides that the New Hampshire retirement system shall pay the cost of medical benefits for any person who, prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, is eligible for vested deferred retirement benefits.

Adopted.

Report adopted and referred to Appropriations.

HB 624-FN, creating a unit within the department of environmental services to certify certain scientists. RE-REFER TO COMMITTEE

Rep. William P. Boucher for Executive Departments and Administration: Although the bill was studied in the last session, the subcommittee that developed the draft has departed. There is considerable need for this unit within DES. The committee, with the help of all disciplines involved, will come in with a good bill.

Rep. Boucher moved Recommit to Committee.

Adopted.

HB 556-FN-A, offering a reward for the apprehension of former Newport district court judge, John C. Fairbanks, and making an appropriation therefor. OUGHT TO PASS

Rep. Peter H. Burling for Judiciary: The majority feels that this is an appropriate use of state power to increase our chances of apprehending John Fairbanks. No money will be expended unless Fairbanks is apprehended as a result of information provided, and if he is in fact turned up, his arrest will at least save us the expense of further looking. He must be found; the victims of his crime deserve at least that much. Vote 10-6.

On a division vote, 217 members having voted in the affirmative and 99 in the negative, the report was adopted.

Referred to Appropriations.

SPECIAL ORDERS

Without objection, the Chair made all remaining bills on the Calendar Special Orders for Tuesday, March 16, 1993.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 16, 1993 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 565, prohibiting hazing.

HB 558, requiring the board of education to submit its proposed rules relative to standards and statewide testing and assessment to the standing legislative education committees for approval or objections.

HB 119-FN-L, relative to the administration and enforcement of the pesticides statutes.

HB 141-FN, modifying the acid deposition control program.

HR 20, requesting an opinion of the justices concerning the constitutionality of **HB 570-FN-LOCAL**.

HB 261-FN, transferring ownership of the Seabrook Commercial Fish Pier to the town of Seabrook.

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENT**

HB 447-A, to acquire land at Odiorne Point and making an appropriation therefore, authorizing the use of certain remaining balances for Hampton Harbor dredging, and making an appropriation therefore for Hampton Harbor dredging. (Amendment printed SJ 9, 03/11/93)

Rep. Franklin Torr moved that the House concur, spoke in favor and yielded to questions.

Adopted.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of Senate Bills and enrolling reports only.

Adopted.

The House recessed at 6:00 p.m.

RECESS

(Rep. O'Brien in the Chair)

ENROLLED BILL REPORT

HB 447, to acquire land at Odiorne Point and making an appropriation therefore, authorizing the use of certain remaining balances for Hampton Harbor dredging, and making an appropriation therefore for Hampton Harbor dredging.

Sen. Currier, Rep. Dunn, for the Committee

(Speaker Burns in the Chair)

RESOLUTION

Its introduction having been approved by the Rules Committee:

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 52-FN-A, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 52-FN-A, relative to certain hospitals exempt from the meals and rooms tax. (Gross, Merr/18, to Ways and Means)

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 12

Tuesday, March 16, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We pray, O God, that You would make us wise and diligent stewards of the opportunities entrusted unto each of us: so that by following the highest demands of Your justice, we might meet the deepest needs of those whom we serve. Amen.

Rep. Katherine Foster led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. McNerney, Benjamin Moore, David Cote, Ahlgren, Mason, Apple and Carl Johnson, the day illness.

Reps. Gross, Crum, McIlwaine, Franks, MacDonald, Hashem, Caswell, Weyler, Moncrief, Emma Dodge, Ruth Gage, Thomas Cain, Edwin Smith, Carol Moore, Elizabeth Moore, Merritt, Kincaid, C. William Johnson, Loder, Record, Musler, Asselin and Chase, the day, important business.

Rep. O'Keefe, the day, death in the family.

Reps. Braiterman, Crossman, Irene Pratt, Charles Cote and Robert Foster, the day, illness in the family.

INTRODUCTION OF GUESTS

Former Representative Leroy Thayer and Mrs. Thayer, guests of Speaker Burns. Dick Purington, guest of Reps. Spear and Hesham. Former Representative Robert Ouellette, guest of Rep. Gagnon.

**SENATE MESSAGE
CONCURRENCE**

HB 101, categorizing motor vehicle child passenger restraints by age.

HB 112-FN, extending public assistance granted to needy and dependent children to otherwise eligible parents or needy caretaker relatives and changing a reference from human services to children and youth services.

HB 122-FN, changing Central Street in the town of Newport to a class II highway.

HB 124-A, repealing an appropriation for an environmental and engineering study and authorization to acquire rights-of-way for construction of a truck lane on U.S. Route 2 in Jefferson.

HB 132-L, increasing the borrowing authority of the Bartlett water precinct.

HB 142, relative to motorcycle noise levels.

HB 187-FN, authorizing the division of public health services to charge fees for copies of data or statistical information.

HB 202, allowing use of photographs on file for a duplicate driver's license.

HB 287, relative to petition to the division of water resources by a municipality for dam disrepair.

HB 318, changing the requirements for filing notices of intent to cut and reports of cut.

HB 336, relative to voter registration in cities.

HB 342-L, relative to the use of revenue derived from parking meters for public transportation systems.

HB 359, making a technical change relative to class II highways.

HB 373, relative to notification of employees of corrections facilities after exposure to infectious diseases.

HB 402, encouraging the composting of food wastes and recycling of construction and demolition debris.

HB 498, relative to the committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties.

HB 508, permitting a dam to be constructed on Jenness pond in Northwood.

HCR 1, relative to a universal health care program in New Hampshire.

HJR 1, supporting the improvement of primary health care delivery.

SPECIAL ORDERS

HB 645-FN, repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals and increasing a filing fee charged by the board. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter H. Burling for the Majority of the Committee of Judiciary: This amendment simply corrects two oversights in the current law. The bill brings a miscellaneous fee in line with all other fees charged by the Board, and the second section of the bill makes a needed correction to the "applicability" section of the existing law. Vote 14-5.

Rep. Henry P. Mock for the Minority of the Judiciary: The Minority was opposed to the fee increase and felt that it had already been covered by laws of 1992, Chapter 285.

Amendment (1723B)

Amend the title of the bill by replacing it with the following:

AN ACT

repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals, increasing a filing fee charged by the board; and relative to the effect of an abatement appeal on subsequent taxes.

Amend RSA 71-B:9 as inserted by section 1 of the bill by replacing it with the following:

71-B:9 Administration of Oaths, Subpoenas, etc.; *Fees*. The board shall have authority to administer oaths and to compel the attendance of witnesses to proceedings before it. The board shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A subpoena or subpoena duces tecum of the board may be served by any person designated in the subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be subject to the pains and penalties of perjury. All applications *or petitions* to the board *for which no filing fee has been otherwise specified by statute* shall be accompanied by a [\$40] \$65 filing fee. Costs may be taxed as in the superior court.

Amend the bill by replacing section 3 with the following:

3 Applicability of Effect of Abatement Appeal on Subsequent Taxes. Amend 1992, 175:4 to read as follows:

175:4 Applicability.

I. Sections 1 and 2 of this act shall apply to any tax bill mailed on or after April 1, 1992.

II. Section 3 of this act shall apply to any tax bill mailed on or after April 1, 1991.

4 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Section 3 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals. The provision also duplicates another statute which gives the board general rulemaking authority.

The bill also increases filing fees to make them uniform with other filing fees charged by the board of tax and land appeals and changes the applicability date for a law enacted in 1992 regarding the effect of an abatement appeal on subsequent taxes.

Rep. Lown spoke in favor.

Adopted.

Report adopted and referred to Ways and Means.

HB 239-L, granting municipalities an option for quarterly billing and collection of property taxes. **RE-REFER TO COMMITTEE**

Rep. Tommy J. St. Martin for Municipal and County Government: The Committee is of the opinion that this bill is intended to deal with important enabling legislation. A few details still need to be worked out and the Committee would like to have that opportunity. Vote 15-2.

Adopted.

HB 257-FN, relative to the disposition of revenue received by the bureau of common carriers, department of safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Chandler for Public Works: This bill arises from the report of the Highway Fund Sources and Disbursement Study and poses a constitutional question. The committee intends to ask that this bill be placed on the table and will offer a resolution (HR 18), seeking an advisory opinion of the New Hampshire Supreme Court. Vote 20-0.

Rep. Gene Chandler moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.
Adopted.

HR 18, requesting an opinion of the justices concerning the constitutionality of an amendment to HB 257-FN. **OUGHT TO PASS**

Rep. John P. Chandler for Public Works: This resolution identifies the relevant article of the New Hampshire Constitution and the particular provisions of the amendment which may be in conflict with the Constitution and requests an advisory opinion of the New Hampshire Supreme Court. Vote 22-0.

Rep. Gene Chandler moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass and spoke in favor.
Adopted.

HB 605-FN-A-L, establishing a community bridge aid improvement program funded by revenues from road tolls. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nanci A. Allard for Public Works: House Bill 605-FN as amended changes the State's contribution for the Community Bridge Repair Program from 2/3 State / 1/3 local to 4/5 State / 1/5 local. The Governor has included money in his budget for this program. Vote 20-0.

Amendment (1784B)

Amend the title of the bill by replacing it with the following:

AN ACT

changing the percentage of a municipality's share
for local bridge improvement.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court hereby declares that, in the best interest of the citizens of this state, it is establishing a program to allow the state's communities to respond to the need to improve their bridges, to provide aid to communities for bridge improvements, to develop and manage the most cost effective means of improving local bridges, to adjust standards to meet the current and future needs of the bridges, and to reduce impacts associated with the bridge improvement.

2 Bridge Aid; Reference Added. Amend RSA 234:5 to read as follows:

234:5 Application. The selectmen of a town, the mayor of a city, or the county commissioners for an unincorporated place may annually apply to the commissioner of transportation in the manner by him prescribed for bridge aid for a bridge on a class II [or class], *IV or V* highway.

3 Bridge Aid; How Cost is Borne. RSA 234:10 is repealed and reenacted to read as follows:

234:10 Bridge Aid; How Cost Borne. When public convenience and necessity require the construction or reconstruction of any bridge on a class II, IV or V highway the cost shall be borne 1/5 by the municipality and 4/5 by the state.

4 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill modifies the cost apportionment between municipalities and the state and includes bridges or class II, IV on V highways. Current law includes only bridges on class II and V highways.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

Rep. Gene Chandler moved that HB 687-FN, requiring the installation and use of toll gate barriers at automatic toll collection booths, be made a Special Order for Wednesday, March 17 at 2:45 p.m.

Reps. Trombly and Gene Chandler spoke in favor.

Adopted.

SPECIAL ORDERS (Cont'd.)

HB 573-FN, permitting, regulating and taxing video gambling machine use. **INEXPEDIENT TO LEGISLATE**

Rep. Robert N. Kelley for Regulated Revenues: The committee was not in sympathy with allowing video gambling machines, in a licensed status, throughout the entire state. The permitting and licensing plus the regulatory functions that would be required under this bill were deemed to be burdensome and need to be reconsidered before this question is placed before the Legislature in the future. Vote 14-3.

Adopted.

HB 390, to limit the terms of office for the members of the United States Congress from New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Reps. Lawrence J. Guay, Michael J. Hill, Dennis H. Fields, Lowell D. Apple, John B. Hunt, William P. Boucher, Thomas G. Cain, Eugene L. Gagnon, Katherine D. Foster, Jennifer G. Soldati, Margaret B. Terninko, Tommy J. St. Martin for the Majority on the Committee of State-Federal Relations: House Bill 390 limits the number of terms which a United States Senator and United States Representative may serve. Beginning on January 1, 1994, no United States Senator from New Hampshire shall serve more than two consecutive terms in the United States Senate, and no United States Representative from New Hampshire shall serve more than four consecutive terms in the United States House of Representatives. Senator Judd Gregg, Senator Bob Smith, Congressman Bill Zeff and Congressman Dick Swett all favor term limits. There are 14 states that already have term limits and nine states are working to adopt limits in 1994. The Majority of State-Federal Relations Committee feels that there is sufficient interest from the citizens of the State of New Hampshire for the passage of term limits. Vote 12-5.

Reps. Carol H. Holden, Thomas A. Behrens, David M. Perry, Marion L. Copenhaver, Katherine Wells Wheeler for the Minority of State-Federal Relations: The Minority of the Committee feels that the rights of all New Hampshire voters to choose candidates at the ballot box should be preserved. Term limits do not necessarily mean better government. Instead of focusing on limits on terms, let us concentrate on the real problems such as PACS, polls, gerrymandering, special interests and negative ads. Special interests and long term staffers will become more powerful. The other states that have passed term limits have done so by a vote of the people. New Hampshire would be the first state to pass term limits by legislation. All members of Congress, both competent and incompetent, will be treated the same. The bill limits our voting rights and takes away our constitutional right to freely cast a vote for the candidates of our choice.

Rep. Copenhaver moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Reps. Gilmore and Guay spoke against and yielded to questions.

Reps. DePecol and Katherine Wheeler spoke in favor and yielded to questions.

Reps. Domaingue and Michael Hill spoke against.

Rep. Jasper spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 163

NAYS 185

**YEAS 163
BELKNAP**

Hawkins, Robert

Turner, Robert

CARROLL

Allard, Nanci

Beach, Mildred

Chandler, Gene

Lyman, L. Randy

Saunders, Howard

Wiggin, Gordon

CHESHIRE

Champagne, Richard	Cole, Stacey	DePecol, Benjamin	Delano, Robert
Lynch, Margaret	McGuirk, Paul	McNamara, Wanda	Perry, David
Riley, William	Robertson, Timothy	Russell, Ronald	

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Mears, Edgar			

GRAFTON

Bean, Pamela	Brown, Alison	Brown, Channing	Brown, Patricia
Copenhaver, Marion	Crony, Elizabeth	Dow, David	Eaton, Stephanie
Gordon, Edward	Guest, Robert	Ham, Bonnie	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Wadsworth, Karen		

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Cepaitis, Elizabeth	Chabot, Robert
Clemons, Jane	Cowenhoven, Garret	Daigle, Robert	Donovan, Francis
Drolet, Paul	Dwyer, Patricia	Dyer, Merton	Ferguson, Charles
Foster, Linda	Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Healy, Daniel	Holden, Carol	Jasper, Shawn
Kirby, Thomas	Laughlin, J. Francis	Lefebvre, Roland	Lown, Elizabeth
Lozeau, Donnalee	Martin, Mary Ellen	McCann, Bonnie	Messier, Irene
Morrisette, Roland	Murphy, Robert	Nardi, Theodora	Packard, Bonnie
Pepino, Leo	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Riley, Frances	Sargent, Maxwell	Searles, Stanley, Sr.	Smart, John
Smith, Leonard	Soucy, Donna	Toomey, Kathryn	Upton, Barbara
Vanderlosk, Stanley	Weergang, Alida	Wells, Peter, Sr.	White, John
Wright, George			

MERRIMACK

Chandler, Earle	Dunn, Miriam	Feuerstein, Martin	French, Barbara
Gilbreth, Robert	Holmes, Mary	Johnson, Joyce May	Kennedy, Richard
Lockwood, Robert	Newland, Matthew	Nichols, Avis	Pfaff, Terence
Regan, Maurice	Teague, Bert	Wallner, Mary Jane	Ward, Jay
Whalley, Michael	Willis, Jack	Yeaton, Charles	

ROCKINGHAM

Bell, Juanita	Bove, Martin	Campbell, Marilyn	Clark, Martha
Clark, Vivian	Dowd, Sandra	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Groves, Bonnie	Johnson, Robert	Kane, Cecelia
Kruse, Fred	Lovejoy, Marian	McGovern, Cynthia	Newman, Rick
Pantelakos, Laura	Rosencrantz, James	Schanda, Joseph, Sr.	St. Martin, Tommy
Stritch, C. Donald	Sytek, Donna	Vaughn, Charles	Woods, Deborah

STRAFFORD

Chagnon, Ronald	Douglass, Clyde	Dunlap, Patricia	Hambrick, Patricia
Hemon, Roland	Keans, Sandra	Knowles, William	Lundborn, Raymond
McCann, William, Jr.	McGrath, J. Gregory	Nehring, William	Pageotte, Donald
Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Torr, Ann	Torr, Franklin	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Allison, David	Behrens, Thomas	Cloutier, John	Flint, Gordon
Kane, Joan	Lindblade, Eric	Palmer, Lorraine	Schotanus, Merle

NAYS 185 BELKNAP

Bartlett, Gordon
Hauck, William
Rosen, Ralph
Ziegra, Alice

Campbell, Richard, Jr.
Holbrook, Robert
Salatiello, Thomas

Dewhirst, Glenn
Lafam, Robert
Smith, Linda

Golden, Paul
Rice, Thomas, Jr.
Young, Niel

CARROLL

Bradley, Jeb
Philbrick, Donald

Cogswell, Richard
Wiggin, Allen

Dickinson, Howard, Jr.

Mock, Henry

CHESHIRE

Avery, Stephen
Hunt, John
Pearson, Gertrude

Bonneau, Sarah
Kingsbury, H. Thayer
Richardson, Barbara

Burnham, Daniel
Manning, Joseph
Royce, H. Charles

Foster, Katherine
Metzger, Katherine

COOS

@14Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Horton, Lynn
Wiswell, James

Mayhew, Josephine

GRAFTON

Adams, Carl
Trelfa, Richard

Below, Clifton
Ward, Kathleen

Driscoll, William
White, Paul

Rose, William

HILLSBOROUGH

Ackerman, Philip
Arnold, Thomas, Jr.
Bowers, Dorothy
Crotty, Edward
Drabinowicz, A. Theresa
Fields, Dennis
Hart, Nick
Hunter, Bruce
Kelley, Dana
Lachut, Ervin
McRae, Karen
Morello, Michael
Peters, Stanley
Tate, Joan

Ahrens, Frederick
Bagley, Amy
Buckley, Raymond
Daniels, Gary
Durham, Susan
Gagnon, Eugene
Holley, Sylvia
Jean, Claudette
Kelley, Robert
Leclerc, Charles
Mercer, Robert
O'Rourke, Joanne
Rheault, Lillian
Turgeon, Roland

Allen, W. Gordon
Bergeron, Lucien
Burke, M. Virginia
Desrosiers, William
Dykstra, Leona
Gosselin, Gerald
Holt, David
Jean, Loren
Kurk, Neal
Lessard, Rudy
Milligan, Robert
Paquette, Rodolphe
Rothhaus, Finlay
Wheeler, Robert

Arnold, Barbara
Bergeron, Normand
Calawa, Leon, Jr.
Domaingue, Jacquelyn
Fenton, James
Greenberg, Gary
Holt, Mark
Johnson, Lionel
L'Heureux, Robert
McCarty, Winston
Mittelman, David
Perkins, Paul
Soucy, Richard

MERRIMACK

Barberia, Richard
Daneault, Gabriel
Houlahan, Thomas
Rogers, Katherine
Whittemore, James

Buessing, Marjorie
Fillion, Paul
Kidder, William
Soldati, Jennifer

Carter, Susan
Hall, Douglas
Langer, Ray
Stapleton, Henry

Chandler, John
Hill, Michael
Owen, Derek
Weeks, John, Jr.

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Coes, Betsy
Dowling, Patricia
Flanders, John, Sr.
Hemenway, Thomas
Katsakiores, Phyllis
McKinney, Betsy
Pratt, Katharin

Arndt, Janet
Boucher, William
Conroy, Janet
Drake, Herbert
Gage, Beverly
Hurst, Sharleene
Klemarczyk, Thaddeus
Miller, Don
Pullman, Robert

Battles, Marjorie
Chester, Sherman
Cote, Patricia
Dube, LeRoy
Gorman, Donald
Hutchinson, Karen
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II

Beaulieu, Jon
Christie, Andrew, Jr.
DiPietro, Carmela
Flanders, David
Hazelton, Robert
Katsakiores, George
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard

Richards, David
Simon, Peter
Stone, Joseph
Warburton, Calvin

Ritzo, Eugene
Skinner, Patricia
Syracusa, Anthony
Welch, David

Rubin, George
Smith, Arthur
Sytek, John
Williamson, William

Senter, Marilyn
Splaine, James
Teminko, Margaret
Yennaco, Carol

STRAFFORD

Brown, George
Hilliard, Dana
Torr, Ralph

Brown, Julie
McKinley, Robert
Vincent, Francis

Callaghan, Frank
Merrill, Amanda
Wasson, Richard

Gilmore, Gary
O'Brien, John

SULLIVAN

Burling, Peter
Rodeschin, Beverly

Domini, Irene
Stamatakis, Carol

Holl, Ann

Peyron, Fredrik

and the motion failed.

Rep. Pepino notified the Clerk that he voted yea and intended to vote nay.

Rep. David Young notified the Clerk that he wished to be recorded in opposition to the substitute motion.

Reps. Gilmore and Donna Sytek offered a floor amendment and spoke in favor.

Floor Amendment (1945B)

Amend the bill by replacing section 5 with the following:

5 Contingency. If on January 1, 2000, as certified by the secretary of state, at least half the members of the United States House of Representatives and at least half the members of the United States Senate, other than those members of the New Hampshire delegation, have not been elected from states which limit the terms of office for their members of Congress, then sections 1-3 of this act shall be suspended until such date as certified by the secretary of state that half the United States Senators and half the United States House of Representatives have been elected from states which limit the terms of office of their members of Congress.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill limits the number of terms which a United States senator and a United States representative may serve. Beginning on January 1, 1994, no United States senator from New Hampshire shall serve more than 2 consecutive terms in the United States Senate, and no United States representative from New Hampshire shall serve more than 4 consecutive terms in the United States House of Representatives.

The provisions of the bill shall be suspended on January 1, 2000, if the secretary of state certifies that at least half of the members of the United States House of Representatives and at least half of the members of the United States Senate have not been elected from states which limit the terms of office for their members of Congress.

Adopted.

Amended report adopted and ordered to third reading.

HCR 4, urging Congress to enact legislation that allows citizens of the United States of America to designate a portion of their federal income taxes to be used solely for federal debt reduction. **INEXPEDIENT TO LEGISLATE**

Rep. Michael J. Hill for State-Federal Relations: The committee felt this resolution was inappropriate at a time when New Hampshire is attempting to prevent the closing of the Portsmouth Shipyard and soliciting federal Medicaid funds. It sends a mixed message. Vote 10-1.

Rep. Daniels moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Michael Hill spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 73

NAYS 271

**YEAS 73
BELKNAP**

Bartlett, Gordon

Lafam, Robert

Young, Niel

CARROLL

Bradley, Jeb Dickinson, Howard, Jr. Mock, Henry

CHESHIRE

Delano, Robert Hunt, John Manning, Joseph Pearson, Gertrude

COOS

Pratt, Leighton

GRAFTON

Dow, David Rose, William

HILLSBOROUGH

Bagley, Amy	Calawa, Leon, Jr.	Daniels, Gary	Desrosiers, William
Domaingue, Jacquelyn	Fenton, James	Ferguson, Charles	Holley, Sylvia
Holt, Mark	Jean, Loren	Kelley, Dana	Kurk, Neal
Leclerc, Charles	Martin, Mary Ellen	Mittelman, David	Packard, Bonnie
Pepino, Leo	Riley, Frances		

MERRIMACK

Barberia, Richard	Chandler, John	Fillion, Paul	Houlahan, Thomas
Kennedy, Richard	Langer, Ray	Lockwood, Robert	Nichols, Avis
Owen, Derek	Ward, Jay	Whittemore, James	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Conroy, Janet
DiPietro, Carmela	Dowd, Sandra	Dowling, Patricia	Dube, LeRoy
Flanders, David	Gorman, Donald	Hazelton, Robert	Katsakiores, George
Katsakiores, Phyllis	Lee, Rebecca	Lovejoy, Marian	McKinney, Betsy
Newman, Rick	Noyes, Richard	Packard, Sherman	Pratt, Katharin
Putnam, Ed, II	Rubin, George	Smith, Arthur	Sytek, Donna
Warburton, Calvin	Williamson, William		

STRAFFORD

Callaghan, Frank	Chagnon, Ronald	Torr, Franklin	Torr, Ralph
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SULLIVAN

Holl, Ann

NAYS 271**BELKNAP**

Campbell, Richard, Jr.	Dewhirst, Glenn	Golden, Paul	Hauck, William
Hawkins, Robert	Holbrook, Robert	Rice, Thomas, Jr.	Rosen, Ralph
Salatiello, Thomas	Smith, Linda	Turner, Robert	Ziegra, Alice

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Lyman, L. Randy	Philbrick, Donald	Saunders, Howard	Wiggin, Allen

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Cole, Stacey	DePecol, Benjamin	Foster, Katherine	Kingsbury, H. Thayer
Lynch, Margaret	McGuirk, Paul	McNamara, Wanda	Metzger, Katherine
Perry, David	Richardson, Barbara	Riley, William	Robertson, Timothy
Royce, H. Charles	Russell, Ronald		

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Merrill, Gerald	Wiswell, James		

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alison
Brown, Patricia	Copenhaver, Marion	Crory, Elizabeth	Driscoll, William
Eaton, Stephanie	Gordon, Edward	Guest, Robert	Ham, Bonnie
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	Nordgren, Sharon
Scanlan, David	Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen
Ward, Kathleen	White, Paul		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Ahrens, Frederick	Allen, W. Gordon
Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Bergeron, Lucien
Bergeron, Normand	Bowers, Dorothy	Buckley, Raymond	Burke, M. Virginia
Cepaitis, Elizabeth	Chabot, Robert	Clemons, Jane	Cowenhoven, Garret
Crotty, Edward	Daigle, Robert	Donovan, Francis	Drabinowicz, A. Theresa
Drolet, Paul	Durham, Susan	Dwyer, Patricia	Dyer, Merton
Dykstra, Leona	Fields, Dennis	Foster, Linda	Gagnon, Eugene
Gervais, Glen	Gosselin, Gerald	Greenberg, Gary	Haettenschwiler, Alphonse
Hall, Betty	Hanselman, Gregory	Hart, Nick	Healy, Daniel
Holden, Carol	Holt, David	Hunter, Bruce	Jasper, Shawn
Jean, Claudette	Johnson, Lionel	Kelley, Robert	Kirby, Thomas
L'Heureux, Robert	Lachut, Ervin	Laughlin, J. Francis	Lefebvre, Roland
Lessard, Rudy	Lown, Elizabeth	Lozeau, Donnalee	McCann, Bonnie
McCarty, Winston	McRae, Karen	Mercer, Robert	Messier, Irene
Milligan, Robert	Morello, Michael	Morrisette, Roland	Murphy, Robert
Nardi, Theodora	O'Rourke, Joanne	Paquette, Rodolphe	Perkins, Paul
Peters, Stanley	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Rheault, Lillian	Rothhaus, Finlay	Sargent, Maxwell	Searles, Stanley, Sr.
Smart, John	Smith, Leonard	Soucy, Donna	Soucy, Richard
Tate, Joan	Toomey, Kathryn	Turgeon, Roland	Upton, Barbara
Vandertok, Stanley	Weergang, Alida	Wells, Peter, Sr.	Wheeler, Robert
White, John	Wright, George		

MERRIMACK

Buessing, Marjorie	Carter, Susan	Chandler, Earle	Daneault, Gabriel
Dunn, Miriam	Feuerstein, Martin	French, Barbara	Gilbreth, Robert
Hall, Douglas	Hill, Michael	Holmes, Mary	Johnson, Joyce May
Kidder, William	Newland, Matthew	Pfaff, Terence	Regan, Maurice
Rogers, Katherine	Soldati, Jennifer	Stapleton, Henry	Teague, Bert
Wallner, Mary Jane	Weeks, John, Jr.	Whalley, Michael	Willis, Jack
Yeaton, Charles			

ROCKINGHAM

Beaulieu, Jon	Bell, Juanita	Blake, Daniel	Boucher, William
Bove, Martin	Campbell, Marilyn	Chester, Sherman	Christie, Andrew, Jr.
Clark, Martha	Clark, Vivian	Coes, Betsy	Cote, Patricia
Drake, Herbert	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, John, Sr.	Gage, Beverly	Groves, Bonnie	Hemenway, Thomas
Hurst, Sharleene	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Klemarczyk, Thaddeus	Kruse, Fred	Malcolm, Kenneth	McGovern, Cynthia
Miller, Don	Pantelakos, Laura	Pullman, Robert	Raynowska, Bernard
Richards, David	Ritzo, Eugene	Rosencrantz, James	Schanda, Joseph, Sr.
Senter, Marilyn	Simon, Peter	Skinner, Patricia	Splaine, James
St. Martin, Tommy	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, John	Teminko, Margaret	Vaughn, Charles	Welch, David
Woods, Deborah	Yennaco, Carol		

STRAFFORD

Brown, George	Brown, Julie	Douglass, Clyde	Dunlap, Patricia
Gilmore, Gary	Hambrick, Patricia	Hemon, Roland	Hilliard, Dana
Keans, Sandra	Knowles, William	Lundborn, Raymond	McCann, William, Jr.
McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda	Nehring, William
O'Brien, John	Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair
Spear, Barbara	Sullivan, Henry	Torr, Ann	Vincent, Francis
Wall, Janet	Wasson, Richard	Wheeler, Katherine	

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Kane, Joan	Lindblade, Eric	Palmer, Lorraine
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol

and the motion failed.

Rep. David Young notified the Clerk that he wished to be recorded in favor of the substitute motion.

Report adopted.

HB 315, to require the wearing of motorcycle protective headgear. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This bill extracts extreme emotion from both sides. After much discussion, the majority of the committee believes that education and not mandatory legislation is the answer. Also, more than 350 people attended the hearing to oppose this bill. There are close to 100,000 licensed motorcyclists in New Hampshire with the vast majority opposing this bill. Vote 12-5.

Rep. Guest spoke against.

Rep. Sherman Packard spoke in favor.

Adopted.

HB 362, requiring vehicle light use during any period windshield wipers are in operation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Thomas G. Cain for the Majority of the Committee on Transportation: The committee determined that this bill is unenforceable. Similar laws in other states are not being enforced. Vote 14-3.

Reps. William H. Crum, Jr., Kenneth W. Malcolm and David L. Richards for the Minority of the Committee on Transportation: The Minority of the committee feels this bill has merit but needs to be clarified.

Rep. Avery moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislative and spoke in favor.

Rep. George Katsakiores spoke in favor.

On a division vote, 205 members having voted in the affirmative and 116 in the negative, the motion was adopted.

HB 586-FN, exempting certain OHRVs from registration fees. **INEXPEDIENT TO LEGISLATE**

Rep. Thaddeus E. Klemarczyk for Transportation: The members of the committee agreed in principle that Off Highway Recreational Vehicles are used primarily for recreational purposes. Allowing the use of an OHRV for agriculture purposes would only create a problem for the Department of Fish and Game and the Department of Motor Vehicles to enforce this law. Also, any landowner who owns an OHRV would be restricted to the use of this unit on his own property. Vote 8-4.

Rep. Lefebvre moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Katsakiores spoke in favor.

On a division vote 198 members having voted in the affirmative and 125 in the negative, the motion was adopted.

HB 610-FN, requiring the development of plans and procedures for the coordination of marine patrol law enforcement activities on New Hampshire tidal waters and requiring the marine patrol to use the Coast Guard equipment standards on New Hampshire tidal waters exclusively. RE-REFER TO COMMITTEE

Reps. George N. Katsakiores and Thaddeus E. Klemarczyk for Transportation: Both the sponsor and Director of Port Authority, as well as persons who testified against this bill, agreed that the Transportation Committee should further study the issues of this bill. A site review of this area has been planned by the Committee to further study the problems in coastal waters. Vote 13-4.

Adopted.

HB 628-FN, requiring the department of safety to keep drivers' records confidential except for certain reasons. RE-REFER TO COMMITTEE

Rep. Kenneth W. Malcolm for Transportation: It was the unanimous vote of the Transportation Committee to request Re-Referral of this bill. There are many good portions, however, several sections need more detailed study. The economic impact on the state and some commercial ventures need to be addressed. Vote 16-0.

Adopted.

COMMITTEE REPORTS CONSENT CALENDAR

All members who on March 10th had exercised their prerogative to remove bills from the Consent Calendar, notified the Clerk that they have removed their objections and recommended to the Speaker that a motion to adopt the Consent Calendar be raised again. (See list in House Journal No. 10, dated March 10, 1993.)

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 529, requiring certain billing procedures for custodial fees on IRA accounts, was removed at the request of Rep. Lucien Bergeron.

HB 663-FN, making technical corrections to the securities laws, was removed at the request of Rep. Bonnie Packard.

HB 613-FN, changing how earned income is calculated for people who receive aid to the permanently and totally disabled, was removed at the request of Rep. Holmes.

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance, was removed at the request of Rep. Holmes.

HB 157-FN-L, restricting motor vehicle permit fee revenues collected by municipalities to highway expenditures, was removed at the request of Rep. John Chandler.

HB 625-FN-A, relative to the sale of fireworks and levying a tax thereon, was removed at the request of Rep. John Flanders.

HB 377, allowing persons 21 years of age or older to transport partially consumer bottles of wine from on-sale licensed establishments, was removed at the request of Rep. Behrens.

HB 607-FN, relative to the plea-by-mail program, was removed at the request of Rep. Harwell.

Consent Calendar adopted.

HB 184, (New Title) establishing a study committee to oversee the design and planning of a new Plymouth district courthouse; and making an appropriation for planning and design of a new Plymouth district courthouse. OUGHT TO PASS WITH AMENDMENT

Rep. Gerald P. Merrill for Appropriations: This bill establishes a study committee to plan a new Plymouth district courthouse. The amendment removes the \$100,000. Vote 17-0.

Amendment (1785B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to oversee the design and planning
of a new Plymouth district courthouse.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill establishes a study committee to examine options for the relocation of the Plymouth district courthouse and to oversee the planning and design of a new Plymouth district courthouse. The committee is required to submit a report to the senate president, the speaker of the house, the governor, and the chief justice of the supreme court on or before November 1, 1993.

HB 245-FN, permitting the state treasurer to appoint 2 assistant state treasurers. OUGHT TO PASS

Rep. Charles W. Ferguson for Appropriations: Policy was established by the Executive Departments and Administration Committee to allow one additional assistant state treasurer to be appointed. The Appropriations Committee will fund the position in the budget. Vote 19-0.

HB 197, relative to insurance fraud. OUGHT TO PASS WITH AMENDMENT

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: This bill is a long-standing project, which provides a better statute system for insurance fraud. Presently insurance fraud costs consumers millions of dollars annually. Vote 17-0.

Amendment (1827B)

Amend RSA 281-A:56 as inserted by section 2 of the bill by replacing it with the following:
281-A:56 Penalty for False Representation.

I. A person who [willfully] makes a false statement or representation for the purpose of obtaining any benefit or payment under this chapter [either], *whether* for himself or herself or for any *other* person, *and who does not believe the statement or representation to be true*, shall be [fined not more than \$100, and the superior court may forfeit all of the person's rights to the compensation sought] *subject to prosecution and punishment for false swearing under RSA 641:2, or unsworn falsification under RSA 641:3, as the case may be, and, upon conviction, the court may order forfeit all of the person's rights to the compensation sought. In addition to any other remedy, the employer or insurance carrier providing the benefit or payment shall be entitled to restitution as authorized in RSA 651:63.*

II. *An employer or insurance carrier, or any employee, agent, or person acting on behalf of an employer or insurance carrier, who makes a false statement or representation in the course of reporting, investigating or adjusting a claim for any benefit or payment under this chapter and who does not believe the statement or representation to be true shall be subject to prosecution and punishment for false swearing under RSA 641:2, or unsworn falsification under RSA 641:3, as the case may be.*

Amend RSA 638:20, I-a as inserted by section 4 of the bill by replacing it with the following:

I-a. For purposes of this section, "insurer" includes any insurance company, health maintenance organization, reinsurance company, or broker or agent thereof, or insurance claims adjuster.

HB 326, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession. OUGHT TO PASS

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: The bill defines repossession of a motor vehicle and requires a person who repossesses a motor vehicle to notify the local police or county sheriff of the repossession within 2 (two) hours. Vote 12-1.

HB 340, relative to technical changes in the small employer insurance law. OUGHT TO PASS

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: This bill is a result of the study committee established under HB 1294 of the 1992 session. The bill makes technical changes to HB 411 enacted by the 1992 session as Chapter 222, prohibiting discrimination in the issuance of health insurance, access to group plans, and health insurance during adoption proceedings. Vote 14-0.

HB 348, standardizing forms used by insurance companies for medical benefits claims. OUGHT TO PASS WITH AMENDMENT

Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs: Standard forms will allow the use of computers and eliminate the use of a lot of different forms. Some companies have their own forms that are somewhat different. The forms in this bill cover all questions required to be answered for the filing of claims. Vote 14-0.

Amendment (1432B)

Amend the bill by replacing section 2 with the following:

2 Interim Form. On and after January 1, 1994, and until the insurance commissioner's rules under section 1 of this act become effective, all health insurers, health maintenance organizations, health service corporations, hospital service corporations, medical service corporations, preferred provider programs and third party administrators shall use the form known as "FORM HCFA-1500" for physician office visits and the "FORM UB-82" for hospital care. The commissioner shall make copies of these forms available to those providers who need them.

AMENDED ANALYSIS

The bill requires the insurance commissioner to establish by rule a standard form for all health insurers, health maintenance organizations, hospital service corporations, medical service corporations, health service corporations, and preferred providers to use for medical benefit claims.

The bill also provides for the use of FORM HCFA-1500 and FORM UB-92 as the standard forms until the commissioner's rules become effective.

HB 392, relative to merchants' refund policies. **INEXPEDIENT TO LEGISLATE**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: The committee feels passage of this bill at the present time will cause more problems than it would solve. The amendment offered by the subcommittee did not answer these problems, therefore, at this time, it is best that this bill not pass. Vote 18-0.

HB 457, making fee splitting or accepting fees for referrals grounds for suspension or revocation of a pharmacy license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Matthew J. Newland for Commerce, Small Business and Consumer Affairs: HB 457 makes fee splitting or accepting fees for referrals by pharmacists or pharmacies, or ownership of a pharmacy by a licensed practitioner grounds for suspension or revocation of a pharmacy license. Vote 14-1.

Amendment (1452B)

Amend the title of the bill by replacing it with the following:

AN ACT

making fee splitting or accepting fees for referrals by pharmacists or pharmacies, or ownership of a pharmacy by a licensed practitioner, grounds for suspension or revocation of a pharmacy license.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; "Fee Splitting" Defined. Amend RSA 318:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Fee splitting" means any discount, rebate, dividend, shared income, or economic benefit from the sale of prescription medicine by a pharmacist or pharmacy with an individual licensed to prescribe medicine or such individual's spouse or dependent children.

Amend RSA 318:29, V(h) as inserted by section 2 of the bill by replacing it with the following:

(h) Fee splitting for professional services. This does not prohibit rent payments under a rental or lease agreement for the operation of a pharmacy by a pharmacist or pharmacy to an individual licensed to prescribe medicine.

Amend RSA 318:29, V as inserted by section 2 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) Any ownership or control of an ownership interest of a pharmacy within the state by an individual licensed to prescribe medicine, or a for-profit corporation, professional association or partnership consisting of such prescriber or prescriber's immediate family members. This shall not include ownership of investment securities purchased by the practitioner on terms available to the general public and which are publicly traded.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes fee splitting by pharmacists or pharmacies grounds for license suspension or revocation. Fee splitting activity includes splitting fees or accepting fees for referrals from health professionals licensed to prescribe medicine.

The bill also makes ownership of a pharmacy by a licensed practitioner grounds for license suspension or revocation.

HB 496, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation. RE-REFER TO COMMITTEE

Rep. Matthew J. Newland for Commerce, Small Business and Consumer Affairs: The contents of HB 496 are covered in HB 457. The committee feels strongly about this issue. Re-referral was done to keep this issue alive in case HB 457 does not pass into law intact. Vote 15-0.

HB 526, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists. RE-REFER TO COMMITTEE

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: The committee, by request of the sponsor, have decided to hold on to this bill in hopes that the problem will go away this summer. Vote 16-0.

HB 546, relative to general contractors bidding for construction work. INEXPEDIENT TO LEGISLATE

Rep. Frederick G. Ahrens for Commerce, Small Business and Consumer Affairs: The subcommittee met and considered the bill at length and unanimously recommended inexpedient to legislate. The sponsor in a letter to the full committee has admitted the legislation needs work. Vote 14-0.

HB 630-FN, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: The sponsors felt this bill would help to promote fire safety and diminish fire losses by encouraging the use of fire extinguishers in the home. The bill requires all commercially registered motor vehicles weighing over 5,000 lbs. to be equipped with extinguishers. Municipal vehicles are exempt. Insurance companies may offer a discount of 2 percent off the premium on all homeowner insurance policies under conditions stated in the bill. The Fiscal Note calls for state general fund revenues to decrease by \$22,000 in FY 1994 and by \$44,000 in FY 1995 and each year thereafter. The Department of Safety indicates this bill may have an undeterminable impact on state general fund expenditures. There will be no impact on county and local revenues or on county and local expenditures. Vote 16-0.

Amendment (1737B)

Amend the bill by replacing sections 2-5 with the following:

2 New Paragraph; Discount on Fire and Homeowner Insurance. Amend RSA 414:3 by inserting after paragraph IV the following new paragraph:

IV-a. All insurance underwriting companies in New Hampshire may offer a discount of 2 percent off the premium on all homeowner insurance policies, if one or more approved fire extinguishers and smoke detectors are located on the insured premises and if such fire extinguishers and smoke detectors comply with standards approved by the state fire marshal.

3 New Section; Fire Extinguishers. Amend RSA 266 by inserting after section 60 the following new section:

266:60-a Fire Extinguishers.

I. Every motor vehicle listed below shall be equipped at all times with a fire extinguisher, which shall comply with standards approved by the state fire marshal and the commissioner by rule adopted under 260:5:

(a) All commercially registered motor vehicles weighing over 5,000 pounds, except for municipally owned vehicles.

(b) All motor homes and motor home trailers that have motor vehicle registrations.

II. The driver or owner of any motor vehicle failing to comply with this section shall be guilty of a violation in accordance with RSA 266:5.

4 New Section; Program to Promote Fire Safety Education. Amend RSA 153 by inserting after section 10-b the following new section:

153:10-c Program to Promote Fire Safety Education. The state fire marshal shall establish a program to promote fire safety education and reduce fire loss by working with authorized city, town and village district, fire and building department officials and other state and local agencies to encourage fire-safe practices throughout the state.

5 Report. The state fire marshal shall make recommendations to the speaker of the house and senate president on or before December 31, 1993 regarding further recommendations for legislation concerning public fire education.

AMENDED ANALYSIS

This bill allows homeowners insurance policies to provide for a 2 percent discount on the premium if approved fire extinguishers and smoke detectors are located on the premises.

The bill also requires certain motor vehicles to be equipped with fire extinguishers.

The bill requires the state fire marshal to establish a program to promote fire safety education.

Referred to Appropriations.

HB 639-FN-A, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Peter M. Simon for Commerce, Small Business and Consumer Affairs: The idea of a grievance board for tenants in manufactured housing parks has merit. The committee would like to take the time to set this grievance board up right the first time. Vote 14-0.

HB 145-FN-L, allowing voters in towns to petition to extend the hours of polling. RE-REFER TO COMMITTEE

Rep. Jack B. Willis for Constitutional and Statutory Revision: The full Committee felt the Secretary of State could help frame this bill better. Vote 17-0.

HB 411-FN-L, relative to the hours of polling in cities and towns. RE-REFER TO COMMITTEE

Rep. Jack B. Willis for Constitutional and Statutory Revision: The full Committee felt the Secretary of State could help frame this bill better. Vote 17-0.

HB 682, reducing the number of peremptory challenges to jurors available to both prosecutors and defense in a trial for murder in the first degree. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: Current law provides 20 peremptory challenges for both prosecution and defense in first degree murder trials. Evidence was provided to show that amount to be unnecessary and time consuming. The amendment changes that amount to 15 peremptory challenges which is agreeable to all concerned. Vote 14-0.

Amendment (1707B)

Amend the bill by replacing all after the enacting clause with the following:

1 Defendant Juror Challenges Reduced; First Degree Murder. RSA 606:3 is repealed and reenacted to read as follows:

606:3 Challenges; Defendant. Every person arraigned and put on trial for an offense may, in addition to challenges for cause or unless he stands wilfully mute, peremptorily challenge:

I. 20 jurors for capital murder.

II. 15 jurors for murder in the first degree.

III. 3 jurors in any other case.

2 State Juror First Degree Murder Challenges Reduced; Reference Modified. Amend RSA 606:4, I, II and III to read as follows:

I. Upon the trial [of any offense punishable by death] *for capital murder*, 10 challenges.

II. Upon the trial [of] *for* murder in the first degree, [20] 15 challenges.

III. [In] *Upon the trial for* any other case, 3 challenges.

3 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill reduces the number of peremptory challenges to jurors available to prosecutors and the defense in a trial for murder in the first degree from 20 to 15.

HB 278, relative to joint building committees for the construction of schoolhouses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzan L. R. Franks for Education: This bill as amended outlines the organization and duties of joint building committees for construction of schoolhouses. The committee believes this process is appropriately placed in statute as operating procedure. Vote 16-0.

Amendment (1806B)

Amend RSA 199:3, II as inserted by section 1 of the bill by deleting subparagraph (e).

Amend RSA 199:4 as inserted by section 2 of the bill by replacing it with the following:

199:4 Transfer of Building.

I. Upon final completion of the new schoolhouse as determined by the joint building committee, the committee shall vote to accept the building and transfer it to the care and control of the school board.

II. Whenever a schoolhouse shall no longer be needed for public school purposes, the school board shall transfer its care and control to the city.

Amend RSA 199:4-a as inserted by section 3 of the bill by replacing it with the following:

199:4-a Final Report; Dissolution of Joint Building Committee. Upon vote of the joint building committee to accept the new schoolhouse and to transfer it to the school board, the joint building committee shall remain in existence for the sole purpose of preparing and submitting a final report relating to the schoolhouse construction and related financial matters to the city council and the school board. Any funds appropriated for the schoolhouse construction which have not been expended shall be returned to the control of the municipality, subject to RSA 33:3-a. The joint building committee shall be dissolved upon the return of unexpended funds and submission of the final report.

Amend the bill by replacing section 4 with the following:

4 Reference to New Section Added. Amend RSA 199:5 to read as follows:

199:5 Exception. The provisions of RSA 199:2 - [199:4] **199:4-a** shall not apply to the Union School District of Concord and to the school districts of Keene, Lebanon, and Claremont.

HB 385-L, enabling public school districts to contract with private schools to provide for the education of at-risk students. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie B. Buessing for Education: This is a choice bill with possible technical problems for at-risk students. Our committee has re-referred House Bill 599 dealing with choice in education and will take the substance in this bill under that measure. Vote 15-0.

HB 561, requiring that certain rules adopted by the board of education be approved by the education committees of the senate and the house. **INEXPEDIENT TO LEGISLATE**

Rep. Nils H. Larson, Jr. for Education: The issues addressed in this bill are now included in the amended version of House Bill 558. Therefore, this bill is no longer appropriate to consider. Vote 14-0.

HB 679-FN-L, relative to unfunded mandates, limiting the catastrophic aid liability of school districts, and requiring notice and public hearing of state education plans. **RE-REFER TO COMMITTEE**

Rep. Nils H. Larson, Jr. for Education: Limiting catastrophic aid will have a significant impact on local taxes since the distinction between what is a state mandate, subject to Article 28A, and a federal mandate, not subject to Article 28A, will require additional study. Vote 18-0.

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas. **OUGHT TO PASS**

Rep. Gregory L. Hanselman for Environment and Agriculture: The Committee was unanimous in its support of this study bill which complements our goal to improve state air quality through cost-effective measures. Vote 19-0.

HB 369, establishing a committee to study the issue of radon levels in the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gregory L. Hanselman for Environment and Agriculture: As amended, this bill directs state environmental and health officials to assess public health issues concerning radon. No special funding is required by this legislation. Vote 19-0.

Amendment (1312B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the commissioner of the department of environmental services and the director of public health services to study the issue of radon levels in the state of New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Required; Report. The commissioner of the department of environmental services, or designee, and the director of the division of public health services, department of health and human services, or designee, shall study the issue of radon levels in the state of New Hampshire. Specifically, the study shall include, but not be limited to, any currently relevant laws and information on radon levels and what should be done in the future to lower radon levels in this state. The commissioner and the director, or their designees, shall submit an informational report to the speaker of the house, the president of the senate, and the governor on or before November 1, 1993.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services and the director of public health services to conduct a study of radon levels in the state of New Hampshire.

HB 555, relative to freshness dating on sandwiches. OUGHT TO PASS WITH AMENDMENT

Rep. Marilyn R. Campbell for Environment and Agriculture: This bill, as amended, will regulate sandwiches that are offered for sale in the State by requiring an expiration date. Testimony indicated some sandwiches could stay up to 14 days or more on shelves or vending machines. To ensure the safeness of our foods, we feel a date for expiration is necessary. This bill does not apply to sandwiches intended to be consumed within 36 hours. Vote 18-0.

Amendment (1614B)

Amend RSA 438:26-b as inserted by section 1 of the bill by replacing it with the following:

438:26-b Dating Prewrapped Sandwiches. It shall be unlawful for any person, otherwise subject to inspection under this chapter, to make for sale, sell, offer to sell or procure to be sold any type of prewrapped sandwich, unless each such sandwich is enclosed in a wrapper bearing an expiration date beyond which the sandwich shall not be sold. This section shall not apply to sandwiches intended or expected to be consumed within 36 hours after wrapping. The commissioner shall adopt rules under RSA 541-A relative to the form of the expiration date and any other matter necessary for the proper administration of this section.

AMENDED ANALYSIS

This bill requires persons, otherwise subject to inspection under the weights and measures laws, who sell certain prewrapped sandwiches, to mark each sandwich with an expiration date. The bill gives rulemaking authority to the commissioner of agriculture.

HB 622-FN, relative to solid waste management districts. RE-REFER TO COMMITTEE

Rep. Amanda A. Merrill for Environment and Agriculture: The Committee would like to take more time to work on HB 622, a long, technical bill involving a significant number of changes to current law regarding solid waste districts. Vote 18-0.

HB 171-FN, changing procedures applicable to the board of registration in medicine. OUGHT TO PASS WITH AMENDMENT

Rep. Gerald O. Gosselin for Executive Departments and Administration: This bill establishes and redefines certain board of medicine procedures relating to applications, investigations, and disciplinary action. It also provides immunity from civil action to members of the boards of chiropractic examiners, registration in medicine, examiners in psychology and mental health practice and good faith immunity to others who provide information to these boards. Vote 12-0.

Amendment (1103B)

Amend the title of the bill by replacing it with the following:

AN ACT

changing procedures applicable to the board of registration in medicine, and clarifying the provisions providing immunity from civil action to members of the board of chiropractic examiners, board of registration in medicine, and board of examiners of psychology and mental health practice, and good faith immunity to others who provide information to these boards.

Amend the bill by inserting after section 12 the following and renumbering the original sections 13 and 14 to read as 16 and 17, respectively.

13 Immunity From Civil Action; Board of Chiropractic Examiners. RSA 316-A:22, IV is repealed and reenacted to read as follows:

IV. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

14 Immunity From Civil Action; Board of Registration in Medicine. RSA 329:17, IX is repealed and reenacted to read as follows:

IX. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

15 Immunity From Civil Action; Board of Examiners of Psychology and Mental Health Practice. RSA 330-A:14, IV is repealed and reenacted to read as follows:

IV. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

AMENDED ANALYSIS

This bill establishes and redefines certain board of medicine procedures relating to applications, investigations, and disciplinary actions by:

1. Extending the board's authority to assess administrative fines to include persons involved in the unauthorized practice of medicine.
2. Specifying procedures for application for permanent, temporary and restricted licenses.
3. Specifying procedures for license applicants from other states or countries to obtain a 6-month conditional license.
4. Specifying dollar limits for administrative fines.
5. Broadening the statute of limitations relating to the board's power to bring a disciplinary action. Reference to the extended statute of limitations for minors initiating actions has been deleted.
6. Authorizing the board to investigate situations involving the unauthorized practice of medicine and misconduct by applicants, in addition to misconduct by licensees. Those who may be retained by the board to assist with any investigation or adjudicatory hearing include expert witnesses or other qualified persons. With limitations, the board may request the governor and council for funds to cover such expenses.
7. Expanding the board's investigatory authority to include license applicants and persons involved in the unauthorized practice of medicine.
8. Following an investigation, giving the board the discretion to decline or defer prosecution of a complaint, and to reexamine allegations at any time within the statute of limitations.

This bill also clarifies the provisions providing absolute immunity from civil action to members of the board of chiropractic examiners, board of registration in medicine, and board of examiners of psychology and mental health practice, and providing good faith immunity to others who provide information to those boards.

This bill was requested by the board of registration in medicine.

HB 364, relative to the practice of architecture. OUGHT TO PASS

Rep. Raymond A. Lundborn for Executive Departments and Administration: This bill expands the conduct constituting violations of the section prohibiting the practice of architecture without a license to include offering, advertising or holding oneself out to the public as being in the practice of architecture. Vote 13-0.

HB 439, relative to the profession of engineering. RE-REFER TO COMMITTEE

Rep. Sandra K. Dowd for Executive Departments and Administration: The committee needs more time to work out some disagreements between the joint board of engineers. The committee feels this bill has merit and would like to help the joint board of engineers protect the health and safety of the citizens of New Hampshire. Vote 10-0.

HB 519-FN, making technical changes in the mental health laws and relative to persons providing active care services. RE-REFER TO COMMITTEE

Rep. J. Gregory McGrath for Executive Departments and Administration: This bill makes several technical changes in the mental health laws. The committee feels that the bill has merit but that further work is required on the personnel issues addressed in the bill. Vote 11-0.

HB 585-FN, requiring state agencies to purchase recycled materials. OUGHT TO PASS WITH AMENDMENT

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill states that paper purchased by state agencies shall be 50% recycled material, with 10% post-consumer recycled waste, under the Director, Division of Plant and Property Management. The amendment eliminates the court system, a separate branch of government, from this requirement. Vote 11-0.

Amendment (1663B)

Amend RSA 21-I:18, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) The legislature, secretary of state, [court systems] and the state reporter are completely exempted from the provisions of this chapter; *except for the provisions of RSA 21-I:14-a.*

Amend the bill by inserting after section 4 the following and renumbering section 5 to read as 6:

5 New Subparagraph; Court System Exemption. Amend RSA 21-I:18, I by inserting after subparagraph (i) the following new subparagraph:

(j) The court systems are completely exempted from the provisions of this chapter.

AMENDED ANALYSIS

This bill requires that paper purchased by state agencies, including the general court, be 50 percent recycled material including at least 10 percent post consumer recycled waste material. The director, division of plant and property management, may exempt agencies from these purchasing requirements.

HB 656-FN, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would extend medical benefits to group II members on disability retirement after June 30, 1988 but before July 1, 1991. This bill calls for \$1.7 million in terminal funding from the special account. During the hearing, one group of the group II membership recommended re-referral for an actuary's certification of the funds available. The committee concurs with the idea that a fund review is required. Vote 12-0.

HB 673-FN, relative to accounting requirements for moneys received by the state treasurer. OUGHT TO PASS

Rep. John J. Sytek for Executive Departments and Administration: The Department of Administrative Services is responsible for the bookkeeping/accounting of funds for various state agencies. The Treasurer is responsible for receiving, investing and disbursing the funds themselves. These are separate functions and responsibilities. Often, legislation inadvertently imposes the accounting responsibility also on the Treasurer. This bill would eliminate this needless duplication. Vote 12-0.

HB 664-FN, relative to the program for the permanently and totally disabled. INEXPEDIENT TO LEGISLATE

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: This bill parallels the intent and content of HB 614-FN and is thus redundant. Vote 13-0.

HB 152, changing the time period within which a claim may be submitted against the state. OUGHT TO PASS WITH AMENDMENT

Rep. Benjamin J. DePecol for Judiciary: The committee feels that this bill provides protection for the state and any insured individuals. The amendment provides protection for individuals who are injured prior to the effective date. Vote 18-0.

Amendment (1728B)

Amend the bill by replacing section 2 with the following:

2 Applicability. Section 1 of this act shall apply to all causes of action arising on or after the effective date of this act.

3 Effective Date. This act shall take effect July 1, 1993.

HB 387, relative to the use of gender neutral language in New Hampshire. RE-REFER TO COMMITTEE

Rep. Josephine Mayhew for Legislative Administration: HB 387 needs to be studied further as to methods of implementing gender neutral language to the extent possible in all bills, resolutions and amendments drafted by the Office of Legislative Services. Vote 13-0.

HB 655-FN, requiring the legislature and judiciary to participate in the waste reduction and recycling program. OUGHT TO PASS WITH AMENDMENT

Rep. Marsha L. Pelletier for Legislative Administration: There was some discussion that this might be a policy rather than law. In the end the Committee voted unanimously that the Legislature should set the example with recycling in doing what it is asking others to do. The judiciary was excluded from the original bill since it has its own plan. Vote 11-0.

Amendment (1330B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the legislature to participate in the waste reduction and recycling program.

Amend RSA 21-I:59 as inserted by section 1 of the bill by replacing it with the following:

21-I:59 Definition. In this subdivision "agency" means any state department, commission, board, institution, bureau, office or other entity, by whatever name called, established in the state constitution, statutes, session laws, or executive orders, [but not] including those within the legislative [and judicial branches] branch of state government *but not including those within the judiciary branch of state government*.

AMENDED ANALYSIS

This bill requires the legislature to participate in the waste reduction and recycling program.

HB 525, relative to city budgets for school districts. RE-REFER TO COMMITTEE

Rep. Clair A. Snyder for Municipal and County Government: The Committee acknowledges that a problem exists in cities whose school budgets are not determined by the governing bodies until June 30th. The motion will allow the further study which is needed. Vote 17-1.

HB 608-FN-L, relative to a private property protection act. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth A. Cepaitis for Municipal and County Government: This bill requires the state or any of its political subdivisions to pay costs to the owner of land affected by any regulatory

program which reduces the fair market value of the owner's property by more than 50 per cent. The problems which may arise under these conditions are currently being addressed by the courts. The Committee believes the courts are the appropriate place to resolve these issues. Vote 17-0.

HB 680-FN-L, relative to unfunded mandates and removing the requirement that a town give notice to certain landowners prior to the discontinuance of certain highways. RE-REFER TO COMMITTEE

Rep. Linda T. Foster for Municipal and County Government: HB 680-FN-L ignores the merits of existing legislation concerning the discontinuance of highways. Since a policy panel has been appointed to address "minimal" mandates, the Committee wishes to see the results of its study before making a decision on the bill. Vote 15-0.

HB 689-FN, relative to funds for students residing in unorganized places. OUGHT TO PASS

Rep. Joseph E. Stone for Municipal and County Government: This bill corrects a situation unforseen when this section of statute was amended in 1990 regarding the disbursement of federal funds. It will allow those counties containing unincorporated places to receive the total amount due to them. Vote 17-0.

HB 166, relative to felons who own or possess dangerous weapons. OUGHT TO PASS WITH AMENDMENT

Rep. Paul K. Chase, Jr. for Public Protection and Veterans Affairs: This bill makes persons convicted of certain felonies in the federal system, other states, possessions or territories of the United States guilty of a class B felony if such person owns or possesses a dangerous weapon. Vote 14-1.

Amendment (1594B)

Amend RSA 159:3, I(a) and the introductory paragraph of (b) as inserted by section 1 of the bill by replacing it with the following:

(a) Owns or has in his possession or under his control, a pistol, revolver, or other firearm, or slungshot, metallic knuckles, billies, stiletto, switchblade knife, sword cane, pistol cane, blackjack, dagger, dirk-knife, or any other dangerous weapon; and

(b) Has been convicted in either a state or federal court in this or any other state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States of:

HB 523, requiring emblems to assist firefighters to be placed on certain buildings. RE-REFER TO COMMITTEE

Rep. Loren J. Jean for Public Protection and Veterans Affairs: In the face of opposition from the fire marshal's office, and at the request of the sponsors, the opinion of the committee is to refer for further research and study. Vote 15-0.

HB 569-FN-L, relative to flammability testing of seating furniture manufactured for public buildings. RE-REFER TO COMMITTEE

Rep. James J. Fenton for Public Protection and Veterans Affairs: This bill was reintroduced in this session and continues to require additional research to assure its practical application. Vote 13-3.

HB 659-FN, relative to road tolls on users of special fuel. RE-REFER TO COMMITTEE

Rep. Gene G. Chandler for Public Works: House Bill 659-FN deals primarily with the method and place of collection of the diesel fuel tax, similar but not as extensive in nature as HB 605-FN-A. HB 605-FN-A has been amended to change the ratio of town - state match from 1/3 town - 2/3 state to 1/5 town to 4/5 state with regard to the Community Bridge Program. The Public Works Committee wishes to Re-Refer HB 659-FN to do a detailed in-house look at the diesel fuel tax collection program and make recommendations accordingly. Vote 20-0.

HB 681-A, making an appropriation for certain ski operations. INEXPEDIENT TO LEGIS-LATE

Rep. Gene G. Chandler for Public Works: House Bill 681 deals with snowmaking and trail improvements at Sunapee and Cannon and once again we have a friendly inexpedient to legislate report. The Public Works Committee has started the Capital Budget hearings and has already met with the Department of Resources and Economic Development and discussed the snowmaking and improvement issues with them. The committee is committed to placing an amount of money in the Capital Budget for the same purposes proposed in HB 681 and has agreed to include a minimum of 1.4 million dollars to allow both mountains to fully utilize their snowmaking capabilities. Vote 21-0.

HB 685-FN-A, relative to a liquor store in Center Harbor and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Regulated Revenues: The committee felt that there was insufficient need to spend \$125,000 for a new store in Center Harbor when there are five liquor stores in this area, and the nearest to Center Harbor is 6-1/2 miles away. The Liquor Commission testified this would draw sales from other stores. An agency store may be a consideration at a later date. Vote 15-0.

HB 172-FN, relative to the oil discharge and disposal cleanup fund. OUGHT TO PASS WITH AMENDMENT

Reps. Janet M. Conroy and Michael D. Whalley for Resources, Recreation and Development: HB 172-FN as amended does the following: 1) Continues the Oil Discharge and Disposal Cleanup Fund (ODD) established in RSA 146-D:3 until January 1, 2000. Because the fund and ODD Board will be in existence for another six years, the bill adds term limits to the membership of the ODD Board. 2) Requires a fee at the time that oil is imported into this state and allows for an import credit for oil transferred out of state. 3) Requires the ODD Board to submit an annual report on the status of the fund. 4) Allows for application for funds to reimburse third parties for bodily injury or property damage when not covered by other insurance policies. 5) The ODD Board must pay all eligible costs within thirty (30) days or pay interest at the rate of 1-1/2% per month to the designated recipient. Vote 16-0.

Amendment (1667B)

Amend the bill by replacing all after the enacting clause with the following:

1 Funds Transferred to Oil Pollution Control Fund. The oil discharge and disposal cleanup fund established in RSA 146-D:3, I shall lapse on January 1, 2000. Any moneys remaining in the fund at that time shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

2 New Subparagraph; Procedures for Inspection and Verification Added. Amend RSA 21-P:14, V by inserting after subparagraph (s) the following new subparagraph:

(t) Procedures for the inspection and verification of oil import records pursuant to RSA 146-D:3, after consultation with the oil fund disbursement board.

3 Definition; Distributor. Amend RSA 146-D:2, I to read as follows:

I. "Distributor" means any person, wherever resident or located, who imports or causes to be imported oil, as defined in this section, into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire, or for the international transport of oil products; provided, however, that bringing motor fuel into the state in the fuel supply tank attached to the engine of a vehicle or aircraft shall not be considered importing. *"Distributor" does not mean an oil spill cleanup organization or other person acting to contain, remove, clean up, restore or take other remedial or corrective action or measures with regard to the spillage or discharge of oil, or threatened spillage or discharge of oil.*

4 Fee Charged at Time of Importation. Amend RSA 146-D:3, II to read as follows:

II. Any distributor [or any person who buys oil from a distributor without paying the fee required by this subparagraph at the time of such purchase] *who imports, or who causes oil to be imported into this state* shall *first* be licensed with the department of safety. A fee of \$.006 per gallon of oil shall be assessed at the time of [sale in] *importation into* this state. [This fee shall be in addition to any road toll paid pursuant to RSA 260:32 and] *All fees* shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. If the fund's balance becomes greater than \$10,000,000, the fund assessment fees provided for in this subdivi-

sion shall be discontinued and only reestablished when the fund's balance is less than \$5,000,000. Any distributor who imports [or any licensee who buys] *or blends* home heating oil which is subsequently sold as diesel fuel for the propulsion of motor vehicles shall report the fuel as required in RSA 146-D:3, III. Any person purchasing home heating oil for diesel use and not declaring this intent to the distributor [or licensee] at the time of purchase shall be liable in the same manner as the distributor [or licensee] would be.

5 Reference Deleted. Amend RSA 146-D:3, III to read as follows:

III. The fee provided for in this section shall be collected by agents of the department of safety, in the same manner as provided for in RSA 260:38. Such funds shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. Any person who fails to obtain a license, file a report, or pay the fees established in this chapter shall be subject to the penalties and interest described in RSA 146-A:11-b[, IV]. The board, pursuant to rules adopted under RSA 146-D:5, may waive all or any portion of such penalties, for good cause.

6 Import Fee Required; Credit Issued. Amend RSA 146-D:3, V to read as follows:

V. No [person] *distributor* licensed under this section shall [sell] *import* oil [in] *into* this state without [collecting] *paying* the fee required by this section [unless such sale is made to a person licensed under this section by the department of safety]. *Any distributor licensed under this section may seek and shall receive for valid claims an import credit for oil which a distributor transfers out of state during any reporting period.*

7 Membership Changed. Amend RSA 146-D:4, I(b) to read as follows:

(b) The commissioner of [revenue administration] *safety*, or [his] designee.

8 New Paragraph; Terms of Membership Changed. Amend RSA 146-D:4 by inserting after paragraph IV the following new paragraph:

V. The terms of the board members shall expire on January 1, 1994. Subsequent terms for state agency and legislative members shall be the same as their terms in office. New board members appointed under subparagraph I(c) and I(d) shall have 3-year terms, except that the initial term for the member representing the petroleum dealers shall be one year, and the initial terms for the member representing the petroleum distributors and for one of the public members shall be 2 years. Upon term expiration, each appointed member shall hold office until a successor shall be appointed and qualified. Board members may be reappointed to subsequent terms, including those members whose terms expire as of January 1, 1994.

9 Annual Report Required. Amend RSA 146-D:5, II to read as follows:

II. The board shall submit an annual report of the status of the oil discharge and disposal cleanup fund [not] *no* later than [December 1] *October 1*, to the speaker of the house and the president of the senate. The first such report shall be submitted [not] no later than [one year of the effective date of this section] *October 1, 1993*.

10 Eligible Expenses. Amend RSA 146-D:6, II(b) to read as follows:

(b) This amount shall not be withheld from reimbursement when the reimbursement is disbursed from the fund over to a party other than an owner liable under this paragraph, but [may be pursued in an independent legal action against the owner] the owner shall be liable [in such an action] *to the fund for the amounts set forth in subparagraph II(a). The board may pursue the owner in an independent legal action, and the owner shall be liable* for interest from the date that the disbursement is made and for legal fees and costs incurred by the fund in obtaining and enforcing judgment under this paragraph. All amounts recovered shall be paid into the fund.

11 Reimbursement; Eligible Expenses. Amend RSA 146-D:6, III to read as follows:

III. Owners of facilities eligible under this chapter may apply for [funds] *reimbursement of court-ordered damages* to [reimburse] third parties for bodily injury[,] *or* property damage, and for the costs of [both] on-site and off-site cleanup of oil [discharge and disposal] *discharges* in amounts not to exceed \$1,000,000. *Reimbursement from the fund for damages to third parties shall be payable only to the extent to which such damages are not covered by other insurance policies. Reimbursement from the fund for costs of cleanup shall be reduced by the amount of any payments received from other insurance for such costs.*

12 Date Specified for Eligible Expenses. Amend RSA 146-D:6, IV, to read as follows:

IV. Owners of facilities eligible under this chapter may apply for reimbursement for costs of cleanup and third party damages [discovered] *incurred* on or after [the effective date of this section] *July 1, 1988*.

13 New Paragraph; Eligible Costs. Amend RSA 146-D:6 by inserting after paragraph VI the following new paragraph:

VII. The board shall pay all eligible costs approved by the board within 30 days of such approval. If any eligible costs are not paid within 30 days, interest on any unpaid amount shall incur to the designated recipient at the rate of 1-1/2 percent per month. Any interest payments shall be a charge against the fund. Any application for compensation which is deemed to be incomplete by the board or the division of water supply and pollution control shall be returned to the applicant forthwith with a written explanation as to what additional information is necessary in order to process the application.

14 Effective Date Changed. Amend 1988, 271:11, I to read as follows:

I. Paragraphs VIII and IX of section 9 of this act shall take effect January 1, [1994] **2000**.

15 Fee on Inventory of Oil Previously Imported. All oil distributors shall determine, as of the effective date of section 3 of this act, the amount of oil in their inventory which has been imported but not yet sold and for which no fee has been paid under RSA 146-D:3, II as it was in effect immediately prior to the effective date of section 3 of this act. A fee of \$.006 per gallon of such oil is hereby assessed, which shall be collected and deposited in the same manner as fees imposed under RSA 146-D:3, II.

16 Reference to Licensing Added. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for *licensing and the* collection of the fee established under RSA 146-D:3 and transfer of such funds to the oil discharge and disposal cleanup fund under rules adopted by the [division of water supply and pollution control] *department* pursuant to RSA 541-A, after consultation with the oil fund disbursement board.

17 Repeal. The following are repealed:

I. RSA 146-D:2, IV relative to the definition of "sale".

II. 1988, 271:7, relative to review of the oil discharge and disposal cleanup fund.

18 Effective Date.

I. Section 15 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

1. Requires a distributor to pay a fee at the time that oil is imported into this state.
 2. Allows a distributor or other licensed person to obtain an import credit for oil transferred out of state.
 3. Requires the board established to oversee the oil discharge and disposal cleanup fund to submit a annual report on the status of the fund, to the speaker of the house and the senate president. The first report shall be submitted by October 1, 1993.
 4. Adds term limits to the oil fund disbursement board.
 5. Allows owners of underground storage tanks to apply for funds to reimburse third parties for bodily injury or property damage only to the extent that such damages are not covered by other insurance policies.
 6. Substitutes the commissioner of safety for the commissioner of revenue administration in the membership of the oil fund disbursement board.
- Referred to Ways and Means.

HB 434-FN, relative to the assessment of the oil import license fee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet M. Conroy for Resources, Recreation and Development: HB 434-FN as amended changes the annual license fee from \$.025 per barrel to \$.001 per gallon. The Department of Safety is responsible for adopting rules and responsible for licensing oil importers collecting the licensing fee. It also exempts oil spill cleanup organizations from paying an import license fee. Vote 17-0.

Amendment (1633B)

Amend RSA 146-A:11-b, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) ["Licensee"] "**Person**" means any operator, distributor, dealer, or broker who, or any wholesale terminal facility which, imports or causes to be imported oil into the state[, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products]. "**Person**" *does not mean an oil spill cleanup organization or other person acting to contain, remove, cleanup, restore or take other remedial or corrective action or measures with regard to the spillage or discharge of oil or threatened spillage or discharge of oil.*

Amend RSA 146-A:11-b, II and III as inserted by section 1 of the bill by replacing them with the following:

II. Any [operator, distributor, dealer, or broker who or any wholesale terminal facility which] **person who** imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed *by the department of safety* under this chapter. The annual fee for the license shall be [\$.025 per barrel] *\$.001 per gallon* of oil [which shall be assessed at the time of sale] *imported into this state*. The fee shall be paid monthly by [the licensee] *such person* to the department of safety and then deposited by the department of safety into the oil pollution control fund administered by the division of water supply and pollution control. Imposition of the fee shall be based on the records of the [licensee] **person** and certified as accurate to the department of safety. The fee set in this paragraph shall not apply [to 25 barrels of oil or less,] when the oil is packaged in individual containers of [less than one barrel] *55 gallons or less*.

III. Any [operator, distributor, dealer or broker who or any wholesale terminal facility which] **person who** imports or causes to be imported oil into the state and who is licensed under this chapter shall be entitled to a credit against his annual license fee assessed under this section equal to the amount of any hazardous material transporter's license fee which he has paid to the department of safety pursuant to the provisions of RSA 21-P:20 upon presenting satisfactory evidence of payment of the hazardous material transporter's fee for any vehicles involved in the importation, transfer or transport of oil into this state. *Any person licensed under this section may seek, and shall receive for valid claims, an import credit for oil which the person transfers out of state during any reporting period.*

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Responsibility for Licensing and Collection of Fee. Amend RSA 260:38 by inserting after paragraph IV the following new paragraph:

V. The department of safety shall be responsible for licensing importers and collecting the fee established under RSA 146-A:11-b and transfer of such funds to the oil pollution control fund under rules adopted by the department pursuant to RSA 541-A, after consultation with the division of water supply and pollution control.

4 Reference Added. Amend RSA 21-P:14, V(q) to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, *after consultation with the division of water supply and pollution control.*

5 Repeal. RSA 146-A:11-c, V-b and VII, relative to rulemaking are repealed.

6 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill changes the point in time at which the license fee for oil is assessed from at the time of sale to at the time of import.

This bill changes the annual license fee from \$.025 per barrel to \$.001 per gallon.

This bill repeals the definition of sale.

This bill imposes an oil importer floor tax on all oil in the possession of any licensee which would not be subject to the oil importer fee. The commissioner of safety is authorized to adopt emergency rules to enforce any rules adopted under this bill.

This bill also makes the department of safety responsible for licensing oil importers collecting the licensing fee. Such fees are to be transferred to the oil pollution control fund.

Referred to Ways and Means.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet M. Conroy for Resources, Recreation and Development: HB 503 is intended to verify whether historic legislative authorizations to use the State's waters continue to be exercised. Many of these unlimited authorizations may be abandoned and this creates a serious gap in the State's understanding of how public waters are being used. The Department of Environmental Services shall prepare a listing of these authorizations for which current users have not notified the Department by June 30, 1998 and submit the list to the Speaker of the House, President of the Senate, the Governor and the appropriate House and Senate committees by November 1, 1998. Vote 16-0.

Amendment (1479B)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to address the status of the numerous past legislative enactments that have authorized water use throughout New Hampshire. These past enactments authorized virtually unlimited withdrawals or uses of water. However, because of inactivity and the historical nature of these enactments, only some of these legislatively authorized withdrawals or uses are registered with the department of environmental services, division of water resources. It is the purpose of this act to provide notice to all registered and unregistered water users so that the legislature can assess the current demands on water use throughout the state.

2 Notice. Notice is hereby given to all water users, registered and unregistered, that the department of environmental services, division of water resources, shall prepare a list of all past and present authorizations for water use in the state. Because of inactivity and the historical nature of these enactments, some but not all of the legislatively authorized withdrawals or uses are registered with the division. All water users currently withdrawing water under a legislative authorization or as a successor in interest to a legislative authorization, or without any legislative authorization, shall notify the division of their use. The intent of this act is to provide a basis for the repeal of obsolete legislative authorizations.

3 Report. The department of environmental services shall prepare a listing of those legislative enactments for which current users have not notified the department by June 30, 1998. This report may be used as a basis for legislation to repeal any obsolete legislative authorizations for water withdrawals or uses. The department shall submit the list no later than November 1, 1998, to the speaker of the house, the president of the senate, the governor and the appropriate house and senate committees.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the department of environmental services, division of water resources, to be the recipient of information regarding the status of past legislative authorizations for water withdrawal.

The bill gives official notice to all water users using water under a legislative authorization, registered and unregistered, that the division of water resources will prepare a water user list in order to determine the current level of withdrawal in the state. Obsolete water uses granted by the legislature in the past will be repealed at a future date.

This bill also requires the department of environmental services to prepare and submit a listing of obsolete legislative authorizations to the speaker of the house, the senate president, the governor and the appropriate house and senate committees by November 1, 1998.

HB 559, relative to acquiring property by eminent domain and allowing a customer to terminate water service from a water utility and to drill a well. **OUGHT TO PASS WITH AMENDMENT**

Rep. Leonard A. Smith for Resources, Recreation and Development: This bill affirms that a citizen has the right to not be subject to conscription mandating their source of water and that our citizens shall have the option to drill a well, tap a spring or collect rain water as desired on their own land. Vote 16-1.

Amendment (1631B)

Amend the title of the bill by replacing it with the following:

AN ACT

allowing a customer to terminate service from a water utility.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Termination of Water Service. Amend RSA 362:4 by inserting after paragraph III the following new paragraph:

IV.(a) Any customer of a water utility shall have the right to terminate water service and secure water from an alternate source, if the customer can demonstrate the ability to comply with state health codes.

(b) Any covenant in a deed or contract that restricts the right to terminate water service from a water utility or in any way limits that right, shall be void as against public policy.

2 Applicability. The provisions of RSA 362:4, IV(b) shall apply only to contracts made or deeds executed after the effective date of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows a customer of a water utility to terminate service and secure water from an alternate source, if the customer can meet the requirements of state health codes.

HB 597-FN, exempting single family lots from the fee charged for septic system review. **UGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: HB 597, as amended, corrects the New Hampshire Native Plant Protection Act so that the original intent of exempting private property owners is maintained, while strengthening the Natural Heritage inventory Program so that it will continue as an information service to be used by public and private development projects. Without the general fund appropriation, the program becomes regulatory, adding another layer of state regulation and expense onto the backs of the private and public sectors. Vote 14-0.

Amendment (1772B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the New Hampshire Native Plant Protection Act and making an appropriation for the natural heritage inventory program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 217-A:3 by inserting after paragraph I the following new paragraph:

I-a. "Commissioner" means the commissioner of the department of resources and economic development.

2 Meetings Required. Amend the introductory paragraph of RSA 217-A:3, XIII to read as follows:

XIII. "Natural Areas Council" means an association of representatives from state agencies and private conservation groups who meet every other month, *or as often as necessary*, to exchange information and discuss protection priorities for natural areas in New Hampshire. The coordinator of the natural heritage inventory program shall be a member and act as chairperson. Member organizations shall include:

3 New Subparagraphs; Members Added. Amend RSA 217-A:3, XIII by inserting after subparagraph (k) the following new subparagraphs:

(l) The New Hampshire Timberland Owner's Association.

(m) The U.S. Forest Service.

(n) The U.S. Fish and Wildlife Service.

(o) The New Hampshire association of wetland scientists.

4 New Paragraphs; Definitions Added. Amend RSA 217-A:3 by inserting after paragraph XIII the following new paragraphs:

XIV. "Fee" means a consulting fee to cover the cost of services rendered.

XV. "Natural heritage inventory" means the list of protected species developed in accordance with RSA 217-A:5, I and II.

XVI. "Natural heritage inventory program" means a program, as established by 1986, 195, administered within the office of the commissioner of the department of resources and economic development which collects and analyzes data on the status, location, and distribution of rare or declining native plant species and exemplary natural communities in the state, and develops and implements measures for the protection, conservation, enhancement and management of native New Hampshire plants.

5 References Changed. Amend the section heading of RSA 217-A:5 and paragraphs I-III to read as follows:

217-A:5 [Listing] *Natural Heritage Inventory* of Species Requiring Protection; Rulemaking.

I. The commissioner of the department shall, on the basis of research and investigations and other available scientific data on plant species, and after public hearing, adopt, pursuant to RSA 541-A, [a list] *an inventory* of plant species occurring in the state which are threatened by the loss, drastic modification, or severe curtailment of their habitats, their over-collection for aesthetic, commercial, educational, recreational, or scientific purposes, the effect on such species of disease, pollution, or predation, or other factor or combination of factors, natural or manmade.

II. The department, with the advice of the Natural Areas Council, shall make determinations required by paragraph I solely on the basis of the best scientific and commercial information available and after appropriate consultation with federal agencies, other interested state agencies, other states *which* have a common interest in the species, and interested persons and organizations. In determining whether any species of plant shall be a protected species, the department shall consider any present or future actions by the federal government, other states, agencies or political subdivisions of this state, or by any other person that may affect the species under consideration.

III. The department shall, [within one year of the effective date of this chapter] *by September 1, 1994*, publish the rules adopted under RSA 541-A, including [a list of all species of plants within the state that it determines, in accordance with paragraphs I and II, to be protected species] *the natural heritage inventory*. Such a list shall refer to the listed species by scientific and common name or names, if any.

6 Conservation Programs. RSA 217-A:6, I is repealed and reenacted to read as follows:

I. The commissioner shall establish programs for the protection of species listed under RSA 217-A:5. These programs may include methods for the acquisition of land and interests in land that the commissioner determines is necessary for the protection of such listed species.

7 Expenditure of Funds. Amend RSA 217-A:6, III to read as follows:

III(a) The department is authorized[, with the approval of governor and council,] to receive and expend funds, donations, grants, or other moneys, gifts, or bequests to accomplish the purposes of this chapter.

(b) Any funds received pursuant to subparagraph (a), and any fees received pursuant to RSA 217-A:8, II(g) shall be placed in a nonlapsing plant protection fund and shall be expended only for the purposes of the natural heritage inventory program.

8 Cooperation with Other State Agencies. RSA 217-A:7 is repealed and reenacted to read as follows:

217-A:7 Cooperation with Other State Agencies. All state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the commissioner to carry out the purposes of this chapter. To the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species.

9 New Subparagraph; Fee Authorized. Amend RSA 217-A:8, II by inserting after subparagraph (f) the following new subparagraph:

(g) Fees to be charged and collected to cover the costs of services rendered under this act.

10 Prohibited Acts. RSA 217-A:9 is repealed and reenacted to read as follows:

217-A:9 Prohibited Acts.

I. It shall be a violation of this chapter for any person, other than the owner of private property on which the species listed under RSA 217-A:5 is located to:

- (a) Export any protected species from the state.
- (b) Import any protected species into the state.
- (c) Transport any protected species within the state.

(d) Take, possess, sell, offer for sale, deliver, carry, transport or ship, by any means, any protected species from public highways, public property, waters of the state or from property of another without required and valid state or federal permits.

(e) Otherwise violate any rule adopted under RSA 217-A:8 relative to the conservation or protection of any species listed under RSA 217-A:5.

II. Nothing in this section shall limit the rights of private property owners to take protected species on their own lands.

III. The natural heritage inventory program, except as provided in RSA 217-A:9, I shall act as an information resource program to assist and advise state and local agencies, and private sector development projects upon request.

11 New Section; Native Plant Protection Fund. Amend RSA 217-A by inserting after section 12 the following new section:

217-A:13 Native Plant Protection Fund. There is hereby established in the department of resources and economic development a native plant protection fund. The commissioner shall deposit any revenue received from fees under RSA 217-A:8, II(g), donations, gifts, or federal funds which become available into the fund. The fund shall be continually appropriated to the department and nonlapsing and used solely for the purposes of this chapter.

12 New Subparagraph; Native Plant Protection Fund. Amend RSA 6:12 by inserting after subparagraph (zz) the following new subparagraph:

(aaa) Moneys received under RSA 217-A:13, which shall be credited to the native plant protection fund.

13 Appropriation. The sum of \$75,000 for the fiscal year ending June 30, 1994, and the sum of \$77,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of resources and economic development, natural heritage inventory program, for deposit in the native plant protection fund established under RSA 217-A:13. These funds are in addition to any other funds appropriated to the department. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

14 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Requires the commissioner of the department of resources and economic development to establish programs to ensure the protection of threatened plant species and to adopt, by rule, an inventory of threatened plant species.

(2) Allows the commissioner to establish a fee to cover the costs of services required by this bill.

(3) Makes appropriations to the department of resources and economic development to the native plant protection fund.

(4) Establishes a native plant protection fund.

Referred to Appropriations.

HB 571-FN, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clifton C. Below for Science, Technology and Energy: The Committee was unanimous in supporting this bill as very important for the economic and environmental health of the state. This bill establishes an emission reduction credit certification and trading program for stationary sources of air pollution to facilitate offset requirements of the Clean Air Act. This program, administered by the Dept. of Environmental Services, will materially assist business and industry seeking to relocate or expand in N.H. by identifying emission credits which are necessary for issuance of new or expanded emission permits. The study committee will recommend improvements and refinements to this program by Nov. 1, 1993. Vote 14-0.

Amendment (1831B)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose.

I. The legislature hereby finds that the inclusion of New Hampshire in the Ozone Transport Region will have a serious detrimental impact on prospects for job creation in the state, particu-

larly within manufacturing industries. The legislature finds that the existence of an emissions reduction credits trading program would materially assist businesses seeking to relocate to or to expand in New Hampshire by identifying and allowing utilization of available excess air pollution reductions above those required by the Clean Air Act and those applicable Environmental Protection Agency regulations in meeting offset requirements. Offsets are required in New Hampshire by the Clean Air Act because the state lies within the Ozone Transport Region. In addition, several areas of the state are designated as not attaining air quality standards for specified air pollutants. The legislature also finds that by making incremental emissions reductions available for sale to others, an emissions reduction credits trading program would provide an incentive to businesses to achieve emissions reductions greater than those required.

II. In future legislative sessions, it is the legislature's intention to examine and amend the emissions reduction credits trading program based on recommendations by the study committee on emissions reduction credits trading to further the purposes of this act.

2 New Chapter; Emissions Reduction Credits Trading Program. Amend RSA by inserting after Chapter 125-I the following new chapter:

CHAPTER 125-J

EMISSIONS REDUCTION CREDITS TRADING PROGRAM

125-J:1 Definitions. In this chapter:

- I. "Baseline" means actual or allowable emissions, whichever is greater, existing on the effective dates of the Clean Air Act.
- II. "Clean Air Act" means the Clean Air Act, 42 U.S.C. 7401, and amendments thereto.
- III. "Commissioner" means the commissioner of the department of environmental services.
- IV. "Credit" means an amount of emission reduction achieved in excess of emission reductions required by the Clean Air Act, as certified by the department.
- V. "Department" means the department of environmental services.
- VI. "Offsets" means reductions in emissions of air pollutants that new stationary sources or stationary source modifications must obtain relative to the emissions baseline established in this chapter. Offsets require the owners of such stationary sources to reduce air pollutants by an amount greater than that which they will emit.
- VII. "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant.

125-J:2 Establishment. There is established an emissions reduction credits trading program to facilitate compliance with the offset requirements of the Clean Air Act.

125-J:3 Certification of Emission Reduction Credits.

I. The department shall establish a process by which the state or the owner of a stationary source of emissions may apply for and be credited with emissions reductions that exceed the requirements of the Clean Air Act. The department shall issue emission reduction credits to the owner or holder of an operator permit of such a stationary source, certifying the integrity of such emissions reductions. Emission reduction credits shall be derived from emission reductions that are real, surplus, quantifiable, enforceable, and assured for the life of the credit. The department shall provide an emission baseline plan from which emission reductions are measured.

II. The operating permits required by Title V of the Clean Air Act for stationary sources shall serve as the basis for certifying emission reduction credits from these stationary sources. The operating permits shall include provisions which ensure that the necessary level of emission reductions are met for the life of the credits.

125-J:4 Ownership of Emission Reduction Credits. An owner or holder of an operator permit of a stationary source, whether public or private, who voluntarily lowers such source's emissions beyond what is required by federal or state law, shall own any resulting emission reduction credits.

125-J:5 Use of Emissions Reduction Credits.

I. The commissioner shall make available to interested persons a list of available emissions reduction credits. An owner of a stationary source shall also be allowed to register with the commissioner their capacity for generating credits. This shall serve as a means of exchanging information between potential generators of credits and buyers who are seeking offsets.

II. All credits issued by the department shall be registered with the commissioner in the name of the owner. An owner may transfer credits, for consideration, to an owner who requires offsets. Parties to such transfers of ownership shall notify the commissioner of the transaction.

125-J:6 Administration. The department shall administer the emissions reduction credits trading program in a manner consistent with the Clean Air Act and applicable rules and guidance issued by the U.S. Environmental Protection Agency.

3 Study Committee Established.

I. There is established a study committee on emissions reduction credits trading composed of the following members:

- (a) The chairperson of the air resources council, or designee.
- (b) The commissioner of the department of environmental services, or designee.
- (c) The director of the division of air resources.
- (d) The commissioner of the department of resources and economic development, or designee.

(e) The chairperson of the public utilities commission, or designee.

(f) One representative from each of the house science, technology, and energy committee; the house environment and agriculture committee; and the house economic development committee; and one other representatives at large, appointed by the speaker.

(g) One senator from the senate environment committee and one senator from the senate economic development committee, appointed by the president.

(h) Two members of the public, appointed by the governor.

II. The committee shall study the following issues, seeking appropriate public input from interested parties:

(a) The proper means to administer the emissions reduction credits trading program, including rules, under RSA 541-A, necessary to carry out the provisions of this chapter.

(b) The proper means to oversee the administration of the emissions reduction credits trading program and to provide for an appeals mechanism.

(c) The proper use of available credits, whether public or private, to satisfy offset requirements.

(d) A proper and reliable means for issuing credits for mobile and area sources.

(e) The proper use of state-owned credits that shall take into account the economic and environmental well-being of the state. This shall include the possible apportionment of credits for various public benefit purposes and a means for the state of evaluating the merits of a specific request for the acquisition of state-owned credits.

(f) The proper ownership and use of credits which result from state law requiring additional emissions reductions by stationary sources beyond what is required by federal law.

(g) The use of funds generated by the potential sale of state-owned emissions reduction credits.

(h) The advisability and conditions under which interstate offset trading should be allowed.

(i) The advisability and conditions under which a third party may be allowed to own emissions reduction credits.

(j) The circumstances and conditions under which credits owned by the owner of a stationary source may be forfeited to the state.

(k) The circumstances and conditions under which available credits may be used to satisfy offsets that differ in the type of pollutant being regulated or type of stationary source being regulated.

(l) Any other matter related to the emissions credits trading program which in the opinion of the committee requires study.

III. Appointments to the committee shall be made within 30 days of the effective date of this act. The first-named house member of the committee shall call the initial meeting within 60 days of the effective date of this act. The committee shall elect a chairperson at its initial meeting. Legislative members shall receive legislative mileage for attending to the duties of the committee.

IV. The committee shall submit a report of its findings and recommendations, including any proposed legislation, to the governor, speaker of the house, and senate president by November 1, 1993.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes an emissions reduction credits trading program to facilitate offset requirements of the Clean Air Act. The department of environmental services shall establish a process by which the state or the owner of a stationary source of emissions may apply for and be credited with emission reductions that exceed the requirements of the Clean Air Act. Such credits may be transferred for consideration to owners of stationary sources which require offsets.

This bill also creates a committee to study emissions reduction credits trading.

HCR 5, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears. **RE-REFER TO COMMITTEE**

Rep. Michael J. Hill for State-Federal Relations: The committee voted to re-refer this bill with the recommendation to vacate to the Health, Human Services & Elderly Affairs Committee. The Health, Human Services & Elderly Committee currently deals with these issues and its consideration of this bill would be more appropriate. Vote 13-0.

HCR 12, calling for the repeal of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court. **OUGHT TO PASS WITH AMENDMENT**

Rep. Lawrence J. Guay for State-Federal Relations: This resolution calls for the repeal of the opinion by the Internal Revenue Service on legislative mileage which is considered as income. Vote 14-0.

Amendment (1779B)

Amend the resolution by replacing the 3rd paragraph after the resolving clause with the following:

That the general court commends members of their congressional delegation for their assistance and continued efforts to resolve this issue at the federal level; and

That copies of this resolution be transmitted by the speaker of the New Hampshire house of representatives and the president of the New Hampshire senate to the New Hampshire congressional delegation, the chairman of the Ways and Means Committee of the United States House of Representatives, the chairman of the Finance Committee of the United States Senate, the Secretary of the Treasury of the United States, and the Commissioner of the United States Internal Revenue Service.

HB 189, establishing a committee to study all the specially issued plates. **INEXPEDIENT TO LEGISLATE**

Rep. James P. Wiswell for Transportation: The committee as a whole will study the issue of specially issued motor vehicle license plates and will report its recommendations for legislation if such is required. Vote 17-0.

HB 210, limiting the use of off highway recreational vehicles near occupied residences. **RE-REFER TO COMMITTEE**

Rep. Sherman A. Packard for Transportation: Solid testimony was presented that a serious problem exists concerning noise from trail bikes driven in an area where a great number of homes are situated. Testimony from law enforcement stated that the bill as written was unenforceable and needed extensive work. Due to these reasons the committee felt it is necessary to put together a workable piece of legislation and voted to re-refer to the committee for further study. Vote 16-0.

HB 218-FN-A-L, relative to the driver training fund. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill requires that \$150 be paid to participating schools for each student who has successfully completed the driver education course. The bill continually appropriates the moneys in the driver training fund to provide such funding, and requires that any funds remaining in such fund after the \$150 obligation has been met, shall be distributed to the participating schools on a pro-rata basis for educational programs relative to alcohol and drug abuse. Vote 15-0.

Referred to Appropriations.

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill repeals the "bingo card" registration program that requires truckers to register their vehicles in order to obtain a permit authorizing operations into or through the state. This action is necessary to comply with new federal regulations. This bill also allows the commissioner to adopt rules to establish a statewide registration program so that the Department of Motor Vehicles may continue to receive approximately \$2.7 million dollars which would be lost due to the new federal regulations. Vote 15-0.

Amendment (1546B)

Amend the bill by replacing all after the enacting clause with the following:

1 **Rulemaking** Authority Added. Amend RSA 375-A:14 to read as follows:

375-A:14 Rulemaking; General Duties and Powers of the Commissioner.

I. The commissioner shall regulate household goods carriers by motor vehicle.

II. The commissioner may adopt rules[, pursuant to RSA 541-A,] relative to:

(a) Reasonable and adequate service, and safety of operation and equipment.

(b) *A single state registration system which will comply with 49 U.S.C. 11506 and related federal laws and regulations.*

2 Rulemaking Authority Added. Amend RSA 375-B:17, II to read as follows:

II. Administer and enforce the provisions of RSA 375-B. *The commissioner shall adopt rules relative to the administration of RSA 375-B. The commissioner may adopt rules relative to a single state registration system which shall comply with 49 U.S.C. 11506 and related federal laws and regulations;* and

3 Rulemaking Authority Added. Amend RSA 376:21, II to read as follows:

II. The commissioner shall administer and enforce RSA 376 and shall adopt rules, pursuant to RSA 541-A, relative to the administration of RSA 376. *In addition, the commissioner may adopt rules relative to a single state registration system which shall comply with 49 U.S.C. 11506 and related federal regulations.*

4 New Subparagraph; Single State Registration System. Amend RSA 541-A:10, I by inserting after subparagraph (n) the following new subparagraph:

(o) RSA 375-A:14, RSA 375-B:17 and RSA 376:21, relative to a single state registration system.

5 Reference Deleted. Amend RSA 375-B:23-a to read as follows:

375-B:23-a Registration Exemption. Notwithstanding the provisions of RSA 375-B:19-[23] 21 or any other law to the contrary, the commissioner of the department of safety shall have authority to waive any requirement for registration of motor vehicles operated by carriers holding authority pursuant to the provisions of RSA 375-B.

6 Repeal. The following are repealed:

I. RSA 375-A:20, relative to registration of interstate certificates and permits.

II. RSA 375-A:21, relative to the registration of vehicles operating in interstate commerce.

III. RSA 375-B:22, relative to the registration of interstate certificates and permits.

IV. RSA 375-B:23, relative to the registration of vehicles operating in interstate commerce.

V. RSA 376:29, relative to the registration of interstate certificates and permits.

VI. RSA 376:30, relative to the registration of vehicles operating in interstate commerce.

7 Contingency. Section 6 of this act shall take effect on the date that the commissioner of the department of safety certifies to the secretary of state that rules have been adopted, as provided in section 1 of this act.

8 Effective Date.

I. Section 6 of this act shall take effect as provided in section 7.

II. The remainder of this act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 398, relative to driver education reciprocity. OUGHT TO PASS WITH AMENDMENT

Rep. Edward J. Crotty for Transportation: mThe provision of Revised Statutes Annotated 263:19 shall not prevent the issuance of a drivers license to any person who has passed a drivers education course from any other state provided the Commissioners of the Department of Safety and Education acting jointly determine that such course is equivalent to New Hampshire's driver education course. Vote 14-1.

Amendment (1764B)

Amend the bill by replacing section 1 with the following:

1 New Hampshire Driver Education Requirements Included. Amend RSA 263:20 to read as follows:

263:20 Driver Education; Reciprocity. The provisions of RSA 263:19 shall not prevent the issuance of a driver's license to any individual who can produce satisfactory evidence of completion of an [accepted standard] *equivalent* course of driver education [or training in any other state], *approved by the issuing state, provided that the commissioners of safety and education acting jointly shall determine that such course is equivalent to New Hampshire's driver education course.*

AMENDED ANALYSIS

This bill requires the commissioners of safety and education to determine jointly if another state's course is equivalent to New Hampshire's approved driver education course.

HB 631, modifying administrative penalties to be paid to the director of safety services and deposited into the boat safety fund. OUGHT TO PASS

Rep. Carl S. Adams for Transportation: This bill separates violations of boating laws requiring payment of \$200 fines from those violations of a less serious nature whereby the \$200 fine shall be returned upon completion of a prescribed boat safety course. It also deletes the Commissioner of Safety's authority to waive the requirement of attending a boat safety course. Vote 17-0.

HB 139, relative to requirements for transportation of deer and official seals for fur-bearing animal skins. OUGHT TO PASS WITH AMENDMENT

Rep. Charles H. Felch, Sr. for Wildlife and Marine Resources: HB 139 inserts the reference to birdshot in an RSA provision on illegal night hunting. In addition the legislation sets out a procedure for validating deer tags for minors and individuals over the age of 68 and reporting the same. Finally, the bill also modifies requirements for sealing animal skins prior to sale to allow a procedure to be set by rule. Vote 11 - 0.

Amendment (1296B)

Amend RSA 208:14, III as inserted by section 2 of the bill by replacing it with the following:

III. No person described in this section shall possess or transport a deer without a special permit or deer tag attached. This paragraph shall not apply to the 24 hour period allowed in paragraph II, and thereafter, if such person has notified a conservation officer as required in paragraph II.

HB 232, permitting a licensed trapper to check traps anytime. OUGHT TO PASS WITH AMENDMENT

Rep. Ervin R. Lachut for Wildlife and Marine Resources: This bill with amendment permits a person to check traps at night subject to certain restrictions. Vote 12-2.

Amendment (1467B)

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the checking of traps at night subject to certain restrictions.

Amend the bill by replacing all after the enacting clause with the following:

1 Visiting Traps; Time Limitation Removed. Amend RSA 210:13 to read as follows:

210:13 Visiting Traps. *Notwithstanding any other law to the contrary*, a person shall visit his traps at least once in each calendar day, [but such visiting hours shall be between 1/2 hour before sunrise and 1/2 hour after sunset only,] provided, however, that a person trapping for beaver through the ice during the open season therefor, shall visit his traps once in each 72 hours. *Trappers shall be permitted to use artificial lights during the hours of darkness to facilitate the checking of traps under this section, subject to the following restrictions: no person shall check traps at night by the use of a rifle, revolver, or pistol larger than .22 caliber long rifle or by use of shotgun shells carrying shot larger than number 4 birdshot; and checking traps by the use of lights from a motor vehicle shall be prohibited.* Only a person whose name is either

stamped or engraved on the traps or on a durable tag securely affixed to the traps shall have the authority to tend the traps. In case of an emergency, the owner of the traps may grant written permission to another duly licensed trapper to tend the traps.

2 Checking Traps; Reference Added. Amend RSA 207:10 to read as follows:

207:10 Prohibited Devices. Tips-ups, set and trap lines, crossbows, spears, grappling hooks, naked hooks, snatch hooks, eel wires, eel pots and nets, shall not be used in any fresh waters of the state to take fish, unless otherwise specifically permitted. No person shall have in his possession, while hunting or trapping any wild bird, or wild animal, including bear any snare, jack or artificial light, swivel, pivot or set gun, or crossbow except as otherwise permitted. Any person convicted of illegal night hunting shall forfeit such firearms, jacks or other equipment used or usable in the illegal night hunting at the time of such violation. Such articles, upon conviction of a violation of illegal night hunting, shall become the property of the fish and game department, and shall be sold at auction by the director within one year of the forfeiture. *Nothing in this section shall be construed to prohibit the use of lights for checking traps as permitted in RSA 210:13.*

3 Checking Traps; Reference Added. Amend RSA 208:8 to read as follows:

208:8 Illegal Night Hunting.

I. A person is guilty of a misdemeanor if he:

[I.](a) Knowingly takes wild birds or wild animals between 1/2 hour after sunset and 1/2 hour before sunrise.

[II.](b) Knowingly uses an artificial light between 1/2 hour after sunset and 1/2 hour before sunrise to illuminate, locate, or attempt to locate wild birds or wild animals while having in his possession or in a motor vehicle, OHRV, boat, aircraft, or other craft propelled by mechanical power, a bow and arrow, crossbow and bolt, rifle, pistol, revolver, shotgun, or muzzle-loading firearm with live ammunition to fit the weapon, whether loaded or unloaded.

[III.](c) Any person convicted of illegal night hunting shall forfeit such firearms, lights, or any other equipment used or usable in the illegal night hunting at the time of such offense.

[IV.](d) The knowledge or belief required for [paragraphs I and II] *paragraph I* is presumed in the case of a person who:

(a) Uses or is found in the possession of a rifle, revolver, or pistol larger than .22 caliber long rifle; or

(b) Uses or is found in the possession of shotgun shells carrying shot larger than number 4 *birdshot*.

(c) [Repealed.]

IV. *Nothing contained in this section shall be construed to prohibit the use of lights for checking traps as permitted in RSA 210:13.*

4 New Paragraph; Checking of Traps; Affirmative Defense Added. Amend RSA 208:8-a by inserting after paragraph II the following new paragraph:

III. The checking of traps pursuant to RSA 210:13 shall be an affirmative defense as defined in RSA 626:7, I(b) to an alleged violation of this section.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits trappers to check traps at night subject to certain restrictions.

HB 264-L, relative to appointments to the fish and game commission. INEXPEDIENT TO LEGISLATE

Rep. Allen R. Wiggin for Wildlife and Marine Resources: There were two bills dealing with this issue. HB 237 was used, and this bill was unnecessary. Vote 12-0.

HB 538, decreasing the time within which wildlife may be taken. INEXPEDIENT TO LEGISLATE

Rep. Allen R. Wiggin for Wildlife and Marine Resources: The committee felt that this bill was unnecessary. Vote 13-1.

REGULAR CALENDAR

HB 529, requiring certain billing procedures for custodial fees on IRA accounts. INEXPEDIENT TO LEGISLATE

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: The bill placed an unfair burden of expense on banks with no gain for the consumer. The bill was focused on one bank and that particular problem has been resolved. Vote 12-1. Rep. Lucien Bergeron moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Wells spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 160

NAYS 167

YEAS 160

BELKNAP

Campbell, Richard, Jr. Rosen, Ralph Salatiello, Thomas

CARROLL

Cogswell, Richard Mock, Henry Philbrick, Donald

CHESHIRE

Avery, Stephen	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Delano, Robert	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
Richardson, Barbara	Riley, William	Robertson, Timothy	Young, David

COOS

Foss, Frederic	Hawkinson, Marie	Mayhew, Josephine	Mears, Edgar
Pratt, Leighton	Wiswell, James		

GRAFTON

Copenhaver, Marion	Croy, Elizabeth	Guest, Robert	Ham, Bonnie
Nordgren, Sharon	Rose, William		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Andrews, Frederick
Arnold, Thomas, Jr.	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Bowers, Dorothy	Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Clemons, Jane	Crotty, Edward	Daigle, Robert
Donovan, Francis	Drabinowicz, A. Theresa	Durham, Susan	Dwyer, Patricia
Fenton, James	Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Hart, Nick	Healy, Daniel	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Kirby, Thomas	L'Heureux, Robert
Laughlin, J. Francis	Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen
McCarty, Winston	McRae, Karen	Milligan, Robert	Morello, Michael
Morrisette, Roland	Murphy, Robert	Nardi, Theodora	O'Rourke, Joanne
Perkins, Paul	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Rothhaus, Finlay	Smart, John	Soucy, Donna	Soucy, Richard
Toomey, Kathryn	Turgeon, Roland	Weergang, Alida	White, John

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Carter, Susan	Chandler, John
Dunn, Miriam	French, Barbara	Hall, Douglas	Johnson, Joyce May
Kennedy, Richard	Langer, Ray	Newland, Matthew	Rogers, Katherine
Soldati, Jennifer	Wallner, Mary Jane	Ward, Jay	Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn	Beaulieu, Jon	Bell, Juanita	Boucher, William
Bove, Martin	Campbell, Marilyn	Chester, Sherman	Clark, Martha
DiPietro, Carmela	Dowling, Patricia	Flanagan, Natalie	Gorman, Donald
Groves, Bonnie	Hemenway, Thomas	Hurst, Sharleene	Hutchinson, Karen

Johnson, Robert
Pratt, Katharin
Schanda, Joseph, Sr.
Sytek, Donna

Kane, Cecelia
Pullman, Robert
Splaine, James
Teminko, Margaret

Kruse, Fred
Rosencrantz, James
Stone, Joseph
Vaughn, Charles

Pantelakos, Laura
Rubin, George
Syracusa, Anthony
Williamson, William

STRAFFORD

Brown, George
Knowles, William
Nehring, William
Pelletier, Marsha
Sullivan, Henry

Brown, Julie
Lundborn, Raymond
O'Brien, John
Rogers, Rose Marie
Vincent, Francis

Chagnon, Ronald
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair
Wall, Janet

Hemon, Roland
McGrath, J. Gregory
Pelletier, Arthur
Spear, Barbara
Wheeler, Katherine

SULLIVAN

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Flint, Gordon

Holl, Ann

NAYS 167 BELKNAP

Bartlett, Gordon
Hawkins, Robert
Rice, Thomas, Jr.

Dewhirst, Glenn
Holbrook, Robert
Smith, Linda

Golden, Paul
Lafam, Robert
Turner, Robert

Hauck, William
Lawton, David
Ziegler, Alice

CARROLL

Beach, Mildred
Saunders, Howard

Bradley, Jeb
Wiggin, Allen

Dickinson, Howard, Jr.
Wiggin, Gordon

Lyman, L. Randy

CHESHIRE

Foster, Katherine
Pearson, Gertrude

Hunt, John
Perry, David

McGuirk, Paul
Royce, H. Charles

McNamara, Wanda

COOS

Coulombe, Henry
Merrill, Gerald

Guay, Lawrence

Harwell, Tyler

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Channing
Eaton, Stephanie
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Gordon, Edward
Teschner, Douglass

Below, Clifton
Dow, David
Hill, Richard
Trelfa, Richard

Brown, Alson
Driscoll, William
Larson, Nils, Jr.
Wadsworth, Karen

HILLSBOROUGH

Ahrens, Frederick
Daniels, Gary
Dyer, Merton
Foster, Linda
Holden, Carol
Jasper, Shawn
Kurk, Neal
McCann, Bonnie
Packard, Bonnie
Sargent, Maxwell
Upton, Barbara
Wright, George

Arnold, Barbara
Desrosiers, William
Dykstra, Leona
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
Lachut, Ervin
Mercer, Robert
Paquette, Rodolphe
Searles, Stanley, Sr.
Vanderlosk, Stanley

Chabot, Robert
Domaingue, Jacquelyn
Ferguson, Charles
Gosselin, Gerald
Holt, David
Kelley, Dana
Lown, Elizabeth
Messier, Irene
Rheault, Lillian
Smith, Leonard
Wells, Peter, Sr.

Cowenhoven, Garret
Drolet, Paul
Fields, Dennis
Greenberg, Gary
Holt, Mark
Kelley, Robert
Lozeau, Donnalee
Mittelman, David
Riley, Frances
Tate, Joan
Wheeler, Robert

MERRIMACK

Chandler, Earle
Gilbreth, Robert

Daneault, Gabriel
Hill, Michael

Feuerstein, Martin
Holmes, Mary

Fillion, Paul
Kidder, William

Lockwood, Robert
Regan, Maurice
Weeks, John, Jr.

Nichols, Avis
Shaw, Randall
Whalley, Michael

Owen, Derek
Stapleton, Henry
Willis, Jack

Pfaff, Terence
Teague, Bert

ROCKINGHAM

Arndt, Janet
Clark, Vivian
Dowd, Sandra
Flanders, John, Sr.
Katsakiores, Phyllis
Malcolm, Kenneth
Packard, Sherman
Ritzo, Eugene
Smith, Arthur
Woods, Deborah

Battles, Marjorie
Coes, Betsy
Drake, Herbert
Gage, Beverly
Klemarczyk, Thaddeus
McKinney, Betsy
Putnam, Ed, II
Senter, Marilyn
Sytek, John
Yennaco, Carol

Blake, Daniel
Conroy, Janet
Dube, LeRoy
Hazelton, Robert
Lee, Rebecca
Miller, Don
Raynowska, Bernard
Simon, Peter
Warburton, Calvin

Christie, Andrew, Jr.
Cote, Patricia
Fesh, Robert
Katsakiores, George
Lovejoy, Marian
Noyes, Richard
Richards, David
Skinner, Patricia
Welch, David

STRAFFORD

Callaghan, Frank
Hilliard, Dana
Torr, Ralph

Douglass, Clyde
Keans, Sandra
Wasson, Richard

Dunlap, Patricia
Torr, Ann

Hambrick, Patricia
Torr, Franklin

SULLIVAN

Allison, David
Peyron, Fredrik

Behrens, Thomas
Rodeschin, Beverly

Kane, Joan
Schotanus, Merle

Lindblade, Eric

and the motion failed.

The question now being the Committee report of Inexpedient to Legislate.

On a division vote, 159 members having voted in the affirmative and 173 in the negative, the Committee report failed.

MOTION TO LAY ON THE TABLE

Rep. Jasper moved that **HB 529**, requiring certain billing procedures for custodial fees on IRA accounts, be laid on the table.

Roll call request sufficiently seconded. The question being to lay HB 529 on the table.

YEAS 165

NAYS 174

YEAS 165

BELKNAP

Bartlett, Gordon
Hawkins, Robert
Rice, Thomas, Jr.

Dewhirst, Glenn
Holbrook, Robert
Smith, Linda

Golden, Paul
Lafam, Robert
Turner, Robert

Hauck, William
Lawton, David
Ziegra, Alice

CARROLL

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Saunders, Howard

Chandler, Gene
Wiggin, Allen

Dickinson, Howard, Jr.
Wiggin, Gordon

CHESHIRE

Hunt, John
Pearson, Gertrude

Manning, Joseph
Perry, David

McGuirk, Paul
Royce, H. Charles

McNamara, Wanda
Young, David

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederic

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Gordon, Edward
Teschner, Douglass

Bean, Pamela
Dow, David
Hill, Richard
Trelfa, Richard

Brown, Alson
Driscoll, William
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Channing
Eaton, Stephanie
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
 Bowers, Dorothy
 Cowenhoven, Garret
 Domaingue, Jacquelyn
 Dykstra, Leona
 Holden, Carol
 Jean, Loren
 L'Heureux, Robert
 McCann, Bonnie
 Packard, Bonnie
 Rheault, Lillian
 Tate, Joan
 Wheeler, Robert

Allen, W. Gordon
 Burke, M. Virginia
 Daigle, Robert
 Donovan, Francis
 Ferguson, Charles
 Holt, David
 Kelley, Dana
 Lachut, Ervin
 Mercer, Robert
 Pepino, Leo
 Riley, Frances
 Upton, Barbara
 Wright, George

Andrews, Frederick
 Calawa, Leon, Jr.
 Daniels, Gary
 Drolet, Paul
 Gagnon, Eugene
 Holt, Mark
 Kelley, Robert
 Laughlin, J. Francis
 Messier, Irene
 Peters, Stanley
 Sargent, Maxwell
 Vanderlosk, Stanley

Arnold, Barbara
 Chabot, Robert
 Desrosiers, William
 Dyer, Merton
 Hanselman, Gregory
 Jasper, Shawn
 Kurk, Neal
 Lefebvre, Roland
 Mittelman, David
 Plourde, Alphonse
 Searles, Stanley, Sr.
 Wells, Peter, Sr.

MERRIMACK

Carter, Susan
 Hill, Michael
 Lockwood, Robert
 Teague, Bert
 Willis, Jack

Chandler, Earle
 Holmes, Mary
 Nichols, Avis
 Weeks, John, Jr.

Fillion, Paul
 Houlahan, Thomas
 Pfaff, Terence
 Whalley, Michael

Gilbreth, Robert
 Kidder, William
 Stapleton, Henry
 Whittemore, James

ROCKINGHAM

Arndt, Janet
 Bove, Martin
 Dowd, Sandra
 Flanagan, Natalie
 Katsakiores, George
 Lovejoy, Marian
 Packard, Sherman
 Rosencrantz, James
 Sytek, John

Battles, Marjorie
 Clark, Vivian
 Drake, Herbert
 Flanders, John, Sr.
 Katsakiores, Phyllis
 McKinney, Betsy
 Putnam, Ed, II
 Senter, Marilyn
 Woods, Deborah

Blake, Daniel
 Conroy, Janet
 Dube, LeRoy
 Gage, Beverly
 Klemarczyk, Thaddeus
 Miller, Don
 Richards, David
 Skinner, Patricia
 Yennaco, Carol

Boucher, William
 Cote, Patricia
 Fesh, Robert
 Hazelton, Robert
 Lee, Rebecca
 Noyes, Richard
 Ritzo, Eugene
 Smith, Arthur

STRAFFORD

Callaghan, Frank
 Spear, Barbara
 Wasson, Richard

Douglass, Clyde
 Torr, Ann

Hilliard, Dana
 Torr, Franklin

Nehring, William
 Torr, Ralph

SULLIVAN

Allison, David
 Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

Rodeschin, Beverly

NAYS 174**BELKNAP**

Campbell, Richard, Jr.

Rosen, Ralph

Salatiello, Thomas

CARROLL

Cogswell, Richard

Mock, Henry

Philbrick, Donald

CHESHIRE

Avery, Stephen
 DePecol, Benjamin
 Lynch, Margaret
 Russell, Ronald

Bonneau, Sarah
 Delano, Robert
 Richardson, Barbara

Burnham, Daniel
 Foster, Katherine
 Riley, William

Champagne, Richard
 Kingsbury, H. Thayer
 Robertson, Timothy

COOS

Bradley, Paula
 Mears, Edgar

Harwell, Tyler
 Pratt, Leighton

Hawkinson, Marie
 Wiswell, James

Mayhew, Josephine

GRAFTON

Below, Clifton
Ham, Bonnie

Copenhaver, Marion
Nordgren, Sharon

Croy, Elizabeth
Rose, William

Guest, Robert

HILLSBOROUGH

Ackerman, Philip
Bergeron, Lucien
Clemons, Jane
Dwyer, Patricia
Gervais, Glen
Hall, Betty
Hunter, Bruce
Lessard, Rudy
McCarty, Winston
Morrissette, Roland
Paquette, Rodolphe
Rothhaus, Finlay
Soucy, Richard
White, John

Ahern, Richard
Bergeron, Normand
Crotty, Edward
Fenton, James
Gosselin, Gerald
Hart, Nick
Jean, Claudette
Lown, Elizabeth
McRae, Karen
Murphy, Robert
Perkins, Paul
Smart, John
Toomey, Kathryn

Arnold, Thomas, Jr.
Buckley, Raymond
Drabinowicz, A. Theresa
Fields, Dennis
Greenberg, Gary
Healy, Daniel
Johnson, Lionel
Lozeau, Donnalee
Milligan, Robert
Nardi, Theodora
Philbrook, Paula
Smith, Leonard
Turgeon, Roland

Bagley, Amy
Cepaitis, Elizabeth
Durham, Susan
Foster, Linda
Haettenschwiller, Alphonse
Holley, Sylvia
Kirby, Thomas
Martin, Mary Ellen
Morello, Michael
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
Weergang, Alida

MERRIMACK

Barberia, Richard
Dunn, Miriam
Johnson, Joyce May
Owen, Derek
Soldati, Jennifer

Buessing, Marjorie
Feuerstein, Martin
Kennedy, Richard
Regan, Maurice
Wallner, Mary Jane

Chandler, John
French, Barbara
Langer, Ray
Rogers, Katherine
Ward, Jay

Daneault, Gabriel
Hall, Douglas
Newland, Matthew
Shaw, Randall

ROCKINGHAM

Aranda, M. Kathryn
Chester, Sherman
DiPietro, Carmela
Hemenway, Thomas
Kane, Cecelia
Pantelakos, Laura
Rubin, George
St. Martin, Tommy
Sytek, Donna
Welch, David

Beaulieu, Jon
Christie, Andrew, Jr.
Dowling, Patricia
Hurst, Sharleene
Kruse, Fred
Pratt, Katharin
Schanda, Joseph, Sr.
Stone, Joseph
Terninko, Margaret
Williamson, William

Bell, Juanita
Clark, Martha
Gorman, Donald
Hutchinson, Karen
Malcolm, Kenneth
Pullman, Robert
Simon, Peter
Stritch, C. Donald
Vaughn, Charles

Campbell, Marilyn
Coes, Betsy
Groves, Bonnie
Johnson, Robert
McGovern, Cynthia
Raynowska, Bernard
Splaine, James
Syracusa, Anthony
Warburton, Calvin

STRAFFORD

Brown, George
Gilmore, Gary
Knowles, William
McKinley, Robert
Pelletier, Marsha
Vincent, Francis

Brown, Julie
Hambrick, Patricia
Lundborn, Raymond
O'Brien, John
Rogers, Rose Marie
Wall, Janet

Chagnon, Ronald
Hemon, Roland
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair
Wheeler, Katherine

Dunlap, Patricia
Keans, Sandra
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

SULLIVAN

Behrens, Thomas
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

and the motion failed.

REGULAR CALENDAR (Cont'd.)

Rep. William McCann moved that the words Re-refer to Committee be substituted for the report of the Committee Inexpedient to Legislate and spoke in favor.

Reps. Packard, Haettenschwiller and Jasper spoke against.

The motion failed.

Rep. William McCann moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Packard yielded to questions.

Roll Call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 184**NAYS 159****YEAS 184
BELKNAP**

Campbell, Richard, Jr.

Rosen, Ralph

Salatiello, Thomas

CARROLL

Cogswell, Richard

Philbrick, Donald

CHESHIRE

Avery, Stephen

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Delano, Robert

Foster, Katherine

Kingsbury, H. Thayer

Lynch, Margaret

Manning, Joseph

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

COOS

Bradley, Paula

Coulombe, Henry

Foss, Frederic

Harwell, Tyler

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

Pratt, Leighton

Wiswell, James

GRAFTON

Copenhaver, Marion

Croy, Elizabeth

Eaton, Stephanie

Guest, Robert

Ham, Bonnie

Nordgren, Sharon

Rose, William

HILLSBOROUGH

Ackerman, Philip

Ahem, Richard

Allen, W. Gordon

Andrews, Frederick

Arnold, Thomas, Jr.

Bagley, Amy

Bergeron, Lucien

Bergeron, Normand

Buckley, Raymond

Burke, M. Virginia

Calawa, Leon, Jr.

Cepaitis, Elizabeth

Clemons, Jane

Crotty, Edward

Daigle, Robert

Drabinowicz, A. Theresa

Durham, Susan

Dwyer, Patricia

Fenton, James

Foster, Linda

Gervais, Glen

Gosselin, Gerald

Greenberg, Gary

Haettenschwiller, Alphonse

Hall, Betty

Hanselman, Gregory

Hart, Nick

Healy, Daniel

Holden, Carol

Holt, David

Hunter, Bruce

Jean, Claudette

Johnson, Lionel

Kirby, Thomas

L'Heureux, Robert

Laughlin, J. Francis

Lefebvre, Roland

Lessard, Rudy

Lozeau, Donnalee

Martin, Mary Ellen

McCarty, Winston

McRae, Karen

Messier, Irene

Milligan, Robert

Morello, Michael

Morrissette, Roland

Murphy, Robert

Nardi, Theodora

O'Rourke, Joanne

Paquette, Rodolphe

Pepino, Leo

Philbrook, Paula

Plourde, Alphonse

Reidy, Frank

Rothhaus, Finlay

Smart, John

Smith, Leonard

Soucy, Donna

Soucy, Richard

Toomey, Kathryn

Turgeon, Roland

Weergang, Alida

White, John

MERRIMACK

Barberia, Richard

Buessing, Marjorie

Chandler, John

Dunn, Miriam

Feuerstein, Martin

French, Barbara

Hall, Douglas

Houlahan, Thomas

Johnson, Joyce May

Kennedy, Richard

Langer, Ray

Newland, Matthew

Owen, Derek

Rogers, Katherine

Soldati, Jennifer

Teague, Bert

Wallner, Mary Jane

Ward, Jay

Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn

Beaulieu, Jon

Bell, Juanita

Bove, Martin

Campbell, Marilyn

Chester, Sherman

Christie, Andrew, Jr.

Clark, Martha

DiPietro, Carmela

Dowling, Patricia

Flanders, John, Sr.

Gorman, Donald

Groves, Bonnie
Johnson, Robert
Pantelakos, Laura
Rubin, George
Stone, Joseph
Teminko, Margaret

Hemenway, Thomas
Kane, Cecelia
Pratt, Katharin
Schanda, Joseph, Sr.
Stritch, C. Donald
Vaughn, Charles

Hurst, Sharleene
Kruse, Fred
Pullman, Robert
Splaine, James
Syracusa, Anthony
Welch, David

Hutchinson, Karen
McGovern, Cynthia
Rosencrantz, James
St. Martin, Tommy
Sytek, Donna
Williamson, William

STRAFFORD

Brown, George
Gilmore, Gary
Lundborn, Raymond
O'Brien, John
Rogers, Rose Marie
Vincent, Francis

Brown, Julie
Hemon, Roland
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair
Wall, Janet

Chagnon, Ronald
Keans, Sandra
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry
Wheeler, Katherine

Dunlap, Patricia
Knowles, William
Merrill, Amanda
Pelletier, Marsha
Torr, Ralph

SULLIVAN

Behrens, Thomas
Holl, Ann

Burling, Peter
Kane, Joan

Cloutier, John
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

NAYS 159

BELKNAP

Bartlett, Gordon
Hawkins, Robert
Rice, Thomas, Jr.

Dewhirst, Glenn
Holbrook, Robert
Smith, Linda

Golden, Paul
Laffam, Robert
Turner, Robert

Hauck, William
Lawton, David
Ziegra, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Gordon

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Saunders, Howard

Chandler, Gene
Wiggin, Allen

CHESHIRE

Hunt, John
Pearson, Gertrude

McGuirk, Paul
Perry, David

McNamara, Wanda
Royce, H. Charles

Metzger, Katherine

COOS

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Channing
Gordon, Edward
Teschner, Douglass
White, Paul

Bean, Pamela
Brown, Patricia
Hill, Richard
Trelfa, Richard

Below, Clifton
Dow, David
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Alson
Driscoll, William
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Cowenhoven, Garret
Donovan, Francis
Ferguson, Charles
Holt, Mark
Kelley, Robert
Lown, Elizabeth
Packard, Bonnie
Riley, Frances
Upton, Barbara
Wright, George

Arnold, Barbara
Daniels, Gary
Drolet, Paul
Fields, Dennis
Jasper, Shawn
Kurk, Neal
McCann, Bonnie
Perkins, Paul
Sargent, Maxwell
Vanderlosk, Stanley

Bowers, Dorothy
Desrosiers, William
Dyer, Merton
Gagnon, Eugene
Jean, Loren
Lachut, Ervin
Mercer, Robert
Peters, Stanley
Searles, Stanley, Sr.
Wells, Peter, Sr.

Chabot, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Holley, Sylvia
Kelley, Dana
Leclerc, Charles
Mittelman, David
Rheault, Lillian
Tate, Joan
Wheeler, Robert

MERRIMACK

Carter, Susan	Chandler, Earle	Daneault, Gabriel	Fillion, Paul
Gilbreth, Robert	Hill, Michael	Holmes, Mary	Kidder, William
Lockwood, Robert	Nichols, Avis	Pfaff, Terence	Regan, Maurice
Shaw, Randall	Stapleton, Henry	Weeks, John, Jr.	Whalley, Michael
Willis, Jack			

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Blake, Daniel	Boucher, William
Clark, Vivian	Conroy, Janet	Cote, Patricia	Dowd, Sandra
Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, David	Gage, Beverly	Hazelton, Robert
Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus	Lee, Rebecca
Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy	Miller, Don
Noyes, Richard	Packard, Sherman	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ritzo, Eugene	Senter, Marilyn	Simon, Peter
Skinner, Patricia	Smith, Arthur	Sytek, John	Warburton, Calvin
Woods, Deborah	Yennaco, Carol		

STRAFFORD

Callaghan, Frank	Douglass, Clyde	Hambrick, Patricia	Hilliard, Dana
McKinley, Robert	Nehring, William	Spear, Barbara	Torr, Ann
Torr, Franklin	Wasson, Richard		

SULLIVAN

Allison, David	Lindblade, Eric	Peyron, Fredrik	Rodeschin, Beverly
Schotanus, Merle			

and the motion passed.

Substituted Committee report adopted and ordered to third reading.

Rep. Cole notified the Clerk that he had a conflict of interest and did not participate.

HB 663-FN, making technical corrections to the securities laws. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill was introduced at the request of the Secretary of State. It tightens controls on the dealers and issuers of securities, protects the investor education fund from lapsing, and as further amended, eliminates two obsolete statutes regarding bank stock assessments. The Fiscal Note as stated by the Secretary of State calls for a decrease in the state general fund revenues by \$1,163,493 in FY 1994. Revenues restricted to the investor education fund would increase by \$21,332 in FY 1995 and each year thereafter. There will be no impact on state, county or local expenditures or on county or local revenues. Vote 20-0.

Amendment (1781B)

Amend the title of the bill by replacing it with the following:

AN ACT

making technical corrections to the securities laws and repealing 2
obsolete provisions regarding corporate stock.

Amend the bill by replacing section 4 with the following:

4 Investment Advisor Deleted. RSA 421-B:6, II is repealed and reenacted to read as follows:

II. It is unlawful for any broker-dealer, issuer-dealer, and investment adviser to employ an agent unless the agent is licensed. Under this chapter, an agent's license is only in effect when such agent is associated with a particular broker-dealer or a particular issuer. No agent shall at any time represent more than one broker-dealer or issuer-dealer and investment adviser, except that where broker-dealers affiliated by direct common control are licensed under this chapter, an agent may represent any such broker-dealer. When an agent begins or terminates those activities which make him an agent, the broker-dealer, issuer-dealer and investment adviser shall promptly notify the secretary of state.

Amend RSA 421-B:21, II-b as inserted by section 17 of the bill by replacing it with the following:

II-b. The state treasurer shall pay the expenses of conducting examinations pursuant to RSA 421-B:9 out of any money in the treasury not otherwise appropriated until the funds collected pursuant to RSA 421-B:9, VII and VIII have been received [by him]. Thereafter, [he] *the treasurer* shall pay the expenses of conducting such examinations out of the funds collected under RSA 421-B:9, VII and VIII and shall reimburse the treasury for previous expenses paid [by him]. The governor is authorized to draw his warrant for the sums authorized by this paragraph out of any money in the treasury not otherwise appropriated.] *The examination fund shall be nonlapsing and continually appropriated for the purpose of paying the expenses of conducting examinations.*

Amend RSA 421-B:23, I(b) as inserted by section 19 of the bill by replacing it with the following:

[II.](b) The attorney general may, with or without prior administrative action by the secretary of state, bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver may be appointed for the defendant or the defendant's assets. The court [may] *shall* not require the attorney general to post a bond; and

Amend RSA 421-B:28, V as inserted by section 21 of the bill by replacing it with the following:

V. The secretary of state may use a standard form widely used in the industry, including forms promulgated by the Securities and Exchange Commission, provided such forms are incorporated by reference in rules adopted by the secretary of state pursuant to RSA 541-A.

Amend the bill by deleting section 25 and renumbering sections 26-29 to read as 25-28, respectively.

Amend the bill by replacing all after section 26 with the following:

27 Agents Deleted. Amend RSA 421-B:7, IV to read as follows:

IV. The secretary of state shall require licensed broker-dealers[, agents,] and investment advisors to post surety bonds for the protection of New Hampshire investors in a form and amount which reflects the financial integrity and past regulatory compliance of said licensees. Such bonds shall be equal to at least \$25,000, but further amounts may be required by the secretary of state pursuant to rules as may be adopted hereunder. Any appropriate deposit of cash or securities shall be accepted in lieu of any bond required. Every bond shall provide for suit thereon by any person who has a cause of action under RSA 421-B:25, and, if the secretary of state by rule or order requires, by any person who has a cause of action not arising under this chapter. Every bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within 6 years after the sale or other act upon which it is based.

28 Typographic Correction. Amend the unnumbered paragraph following RSA 421-B:17, II (h)(3)(vii) to read as follows:

The secretary of state may by rule or order as to any security or transaction or any type of security or transaction, withdraw [for] or further condition this exemption, or increase the number of offers and sales permitted or waive the conditions in (1), (2) or (3) of this subparagraph with or without the substitution of a limitation or remuneration.

29 Repeal. The following are repealed:

I. RSA 392:41, relative to stock assessments upon the stockholders of trust companies.

II. RSA 392:42, relative to failure to pay stock assessments.

30 Effective Date. This act shall take effect 60 days after its passage.

I. Sections 17, 21, 22, 26, and 29 of this act shall take effect upon passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes technical corrections to RSA 421-B, the state securities laws.

The bill also repeals 2 obsolete provisions regarding capital stock.

Reps. Packard and Crory spoke in favor.

Adopted.

Report adopted and referred to Appropriations.

HB 613-FN, changing how earned income is calculated for people who receive aid to the permanently and totally disabled. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: This legislation would provide an incentive for permanently and totally disabled individuals to utilize their skills and receive limited earnings without losing benefits. It will also make the state consistent with regulations of the federal Supplement Security Income Program. The Fiscal Note calls for state expenditures of (50% general funds and 50% other funds) that will increase by \$476,460 in 1994, and \$501,000 in FY 1995, by \$526,188 in FY 1996 and by \$553,320 in FY 1997. The Division of Human Services has determined that this bill will increase state restricted revenue and county expenditures by \$238,230 in FY 1994, by \$250,500 in FY 1995, by \$263,094 in FY 1996 and by \$276,660 in FY 1997. There will be no impact on county or local revenue or on local expenditures. Vote 14-0.

Amendment (1619B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the director of the division of human services to adopt rules changing how earned income is calculated for people who receive aid to the permanently and totally disabled to be consistent with federal law.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Rulemaking for Earned Income Disregards Added. Amend RSA 167:3-c by inserting after paragraph VII the following new paragraph:

VIII. The amount of earned income to be disregarded for purposes of calculating eligibility for aid to the permanently and totally disabled, which shall be consistent with the regulations of the federal Supplement Security Income Program or its successor program.

AMENDED ANALYSIS

This bill authorizes the director of the division of human services to adopt rules changing how earned income is to be calculated for people who receive aid to the permanently and totally disabled to be consistent with the regulations of the federal Supplemental Security Income Program.

Adopted.

Report adopted and referred to Appropriations.

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The amendment replaces the bill as written. It changes the definition of disability to conform with the federal Social Security Act, Titles II and XVI, and their regulations, making the state definition consistent with federal law. State expenditures from general, other and federal funds will increase by \$4,432,698 in FY 1994 and by \$4,845,587 in FY 1995. County expenditures will increase by \$492,494 in FY 1994 and by \$535,120 in FY 1995. There will be no impact on county or local revenues or on local expenditures. Vote 13-0.

Amendment (1555B)

Amend RSA 167:6, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For the purposes hereof, a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 years of age inclusive; is a resident of the state; and [is permanently and totally disabled] *is disabled as defined in the federal Social Security Act, Titles II and XVI and the regulations adopted under such act. In determining disability, the standards for "substantial gainful activity" as used in the Social Security Act shall apply, including all work incentive provisions including Impairment Related Work Expenses, Plans to Achieve Self Support, and subsidies.* No person shall be eligible to receive such aid while receiving old age assistance, aid to the needy blind, or aid to families with dependent children.

AMENDED ANALYSIS

This bill adopts the federal Social Security Act standard for determining disability and substantial gainful activity for the purpose of receiving aid to the permanently and totally disabled.

Adopted.

Report adopted and referred to Appropriations.

HB 157-FN-L, restricting motor vehicle permit fee revenues collected by municipalities to highway expenditures. **INEXPEDIENT TO LEGISLATE**

Rep. Marian E. Lovejoy for Municipal and County Government: The Committee felt this could create difficulties for municipalities which have been free to use these revenues for general purposes. Each municipality knows best how much it should spend on roads in relationship to other needs. The Committee also was concerned that this bill could impose a mandate. Vote 15-1.

Rep. John Chandler spoke against and yielded to questions.

Rep. Perry spoke in favor.

Reps. Lovejoy and Wadsworth spoke in favor and yielded to questions.

On a division vote, 275 members having voted in the affirmative and 55 in the negative, the report was adopted.

Rep. Schotanus moved that the remarks of Rep. John Chandler be printed in the Journal and spoke in favor.

Rep. Buckley spoke in favor.

Rep. Jasper spoke to the motion.

On a division vote, 154 members having voted in the affirmative and 179 in the negative, the motion failed.

HB 625-FN-A, relative to the sale of fireworks and levying a tax thereon. **RE-REFER TO COMMITTEE**

Rep. Glenn E. Dewhirst for Public Protection and Veterans Affairs: The current statutes on safe and sane fireworks will sunset April 1994. The committee feels that a re-referral will provide a vehicle to study the current situation and bring the bill back in the 1994 session in an amended form if necessary. Vote 16-0.

Rep. Welch spoke in favor.

LAI D ON THE TABLE

Rep. John Flanders moved that **HB 625-FN-A**, relative to the sale of fireworks and levying a tax thereon, be laid on the table.

Adopted.

REGULAR CALENDAR (Cont'd.)

HB 377, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice Regan for Transportation: This amended bill allows a patron who has purchased a full-course meal and legally purchased wine with that meal to transport any partially consumed wine from that establishment in a securely-capped bottle to be placed in an unaccessible portion of a motor vehicle. Vote 10-5.

Rep. Behrens moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Avery spoke against.

Rep. David Holt spoke against and yielded to questions.

Reps. Burling and George Katsakiores spoke in favor.

Adopted.

The substituted Committee report was adopted.

HB 607-FN, relative to the plea-by-mail program. **OUGHT TO PASS WITH AMENDMENT**

Rep. William H. Crum, Jr. for Transportation: House Bill 607 incorporates HB 471 and modifies the current Plea-By-Mail Program. The bill makes it a default for a defendant to fail to appear or fail to enter a plea-by-mail for motor vehicle violations. The bill also allows the Director of the Department of Motor Vehicles to impose a fine for such default and allows the court to issue a bench warrant for a default of failure to pay a motor vehicle fine. The program will be funded by surplus highway fund money. Vote 16-0.

Amendment (1832B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Defaults. Amend RSA 262:44 to read as follows:

262:44 Waiver in Lieu of Court Appearance; *Default*. Any person charged with a violation of the provisions of title XXI on vehicles, excluding a violation of RSA 263:1-a, 265:79, 265:82, 265:82-a, 265:115, 265:117, a speeding offense under RSA 265:60 for which the defendant must appear in court, and any offense which is a misdemeanor or felony, may plead guilty, nolo contendere, or not guilty by mail in the following manner:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer for deposit in the victims' assistance fund and the court modernization fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

II. If the defendant wishes to enter a not guilty plea, he shall enter such plea on the summons and return it to the division of motor vehicles within 30 days of the date of the summons. The division shall transmit the plea to the appropriate court and the court shall schedule a trial. Upon the conclusion of the trial, the court shall transmit the result of the trial to the division for division records.

III.(a) Whenever a defendant:

(1) *Does not enter a plea-by-mail with the director of the division of motor vehicles within 30 days of the date of the summons or, if required to appear in court personally, does not appear personally or by counsel at the court on or before the required date or move for a continuance; or*

(2) *Fails to pay a fine or other penalty in connection with a conviction of a title XXI offense or issues a bad check in payment of such fine or other penalty, the defendant shall be defaulted. In cases where the defendant has failed to enter a plea-by-mail with the director, the director or designee shall determine what the fine would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the fine and penalty assessment. In cases where the defendant has defaulted on a court obligation, the court shall determine what the fine would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the fine and penalty assessment. In any case, the defendant's driving privileges shall be suspended as provided in RSA 263:56-a.*

(b) *Whenever a defendant otherwise fails to appear for a scheduled court appearance in connection with a summons for any violation level offense for which a defendant may plea by mail, the court shall proceed to hear the state's evidence, by offer of proof or otherwise, and enter a finding in accordance therewith. If a finding of guilty is made, the court shall set the fine, and the clerk shall mail or deliver to the defendant's last known address a notice of finding and imposition of fine form approved by the administrative justice of the district court, appointed under supreme court rule. Payment in full shall be required within 30 days from the date of the notice. Any defendant who fails to make the payment shall be subject to the provisions of RSA 262:44, III(a)(1)-(2). No finding made by the court shall be set aside except for cause.*

(c) *In defaulted court cases for violations of title XXI, the court shall notify the director of the division of motor vehicles of the defendant's default, and the amounts of the fine and other penalties, on a form prescribed by the director or by electronic means. The amount*

of the administrative processing fee shall be determined by the New Hampshire supreme court in accordance with the provisions of RSA 502-A:19-b, V and shall be retained by the court for the benefit of the state in those cases in which the fee is assessed by the court. In other cases, the fee shall be retained by the department of safety for the benefit of the state.

IV. The court may, in its discretion, issue a bench warrant for the arrest of any defendant who:

(a) Has defaulted as provided in RSA 262:44, III; or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined he is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar court order of the director or a court on any matter within the director's or court's jurisdiction.

V. For cause, the court in its discretion may refuse to accept a plea by mail and may impose a fine other than that prescribed by the uniform fine schedule. The court may order the defendant to appear personally in court for the disposition of the case.

[III] VI. The uniform fine schedule referred to in paragraph I shall be developed and promulgated by the New Hampshire supreme court after approval by the legislative fiscal committee.

[IV] VII. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A, relative to the forms and procedures required for the division of motor vehicles and department of safety to carry out their duties and responsibilities under this section.

[V] VIII. The commissioner of the department of safety shall make an annual report to the legislative fiscal committee on fines and fines in default, paid and unpaid, for each year beginning with 1993.

2 Funding. 1992, 257:27 is repealed and reenacted to read as follows:

257:27 The department of safety may draw upon the highway fund surplus account with the approval of the legislative fiscal committee and the governor and council, as provided in RSA 21-P:23, to implement the provisions of 1992, 257:23-26.

3 Effective Date Changed. 1992, 257:29, II(b) is repealed and reenacted to read as follows:

(b) For the courts in Rockingham county, sections 23 and 25-26 of this act shall take effect January 1, 1993. For the courts in the remaining counties, sections 23, 25, 26 and 28 of this act shall take effect as each court is computerized in coordination with the division of motor vehicles.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 1993.

II. For the courts in Rockingham county, the remainder of this act shall take effect upon its passage. For the courts in the remaining counties, the remainder of this act shall take effect as each court is computerized in coordination with the division of motor vehicles.

AMENDED ANALYSIS

This bill:

(1) Makes it a default for a defendant to fail to appear for a scheduled court appearance or to fail to enter a plea-by-mail for motor vehicle violations.

(2) Allows the director of the division of motor vehicles to impose a fine for the default.

(3) Allows the court to issue a bench warrant for any defendant who defaults or fails to pay a fine for a motor vehicle violation.

(4) Allows the department of safety to use highway fund surplus money to implement the plea-by-mail program.

Rep. Harwell spoke against.

Adopted.

Report adopted and referred to Appropriations.

SUSPENSION OF RULES

Rep. Cowenhoven moved that the Rules be so far suspended as to permit public hearings without the required notice on House Bills 645-FN, 172-FN and 434-FN.

Rep. William McCann spoke in favor.
Adopted by the necessary two-thirds.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 17, 1993 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 605-FN-A-L, changing the percentage of a municipality's share for local bridge improvement.

HB 390, to limit the terms of office for the members of the United States Congress from New Hampshire.

HB 184, establishing a study committee to oversee the design and planning of a new Plymouth district courthouse.

HB 245-FN, permitting the state treasurer to appoint 2 assistant state treasurers.

HB 197, relative to insurance fraud.

HB 326, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession.

HB 340, relative to technical changes in the small employer insurance law.

HB 348, standardizing forms used by insurance companies for medical benefits claims.

HB 457, making fee splitting or accepting fees for referrals by pharmacists or pharmacies, or ownership of a pharmacy by a licensed practitioner, grounds for suspension or revocation of a pharmacy license.

HB 682, reducing the number of peremptory challenges to jurors available to both prosecutors and defense in a trial for murder in the first degree.

HB 278, relative to joint building committees for the construction of schoolhouses.

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas.

HB 369, requiring the commissioner of the department of environmental services and the director of public health services to study the issue of radon levels in the state of New Hampshire.

HB 555, relative to freshness dating on sandwiches.

HB 171, changing procedures applicable to the board of registration in medicine, and clarifying the provisions providing immunity from civil action to members of the board of chiropractic examiners, board of registration in medicine, and board of examiners of psychology and mental health practice, and good faith immunity to others who provide information to these boards.

HB 364, relative to the practice of architecture.

HB 585-FN, requiring state agencies to purchase recycled materials.

HB 673-FN, relative to accounting requirements for moneys received by the state treasurer.

HB 152, changing the time period within which a claim may be submitted against the state.

HB 655-FN, requiring the legislature to participate in the waste reduction and recycling program.

HB 689-FN, relative to funds for students residing in unorganized places.

HB 166, relative to felons who own or possess dangerous weapons.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users.

HB 559, allowing a customer to terminate service from a water utility.

HB 571-FN, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading.

HCR 12, calling for the repeal of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court.

HB 398, relative to driver education reciprocity.

HB 631, modifying administrative penalties to be paid to the director of safety services and deposited into the boat safety fund.

HB 139, relative to the requirements for transportation of deer and official seals for fur-bearing animal skins.

HB 232, permitting the checking of traps at night subject to certain restrictions.

HB 529, requiring certain billing procedures for custodial fees on IRA accounts.

RECONSIDERATION

Having voted with the prevailing side, Rep. William McCann moved that the House reconsider its action whereby it passed **HB 529**, requiring certain billing procedures for custodial fees on RIA accounts.

Reconsideration lost.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 4:55 p.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee, Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 692 and House Concurrent Resolution numbered 14, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILL and HCR

First, second reading and referral

HB 692, transferring rulemaking authority from the current use board to the chairman of the current use board. (Scanlan, Graf/11, to Environment and Agriculture)

HCR 14, urging members of Congress to oppose aspects of the proposed federal energy tax which discriminate against home heating oil consumers in the Northeast and Mid-Atlantic regions. (Michael Hill, Merr/16; Jasper, Hills/23, to State-Federal Relations)

Rep. Robert Foster moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 13

Wednesday, March 17, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty God, empty us of quick judgments, aching disappointments and anxious striving and breathe into us the quietness and confidence we need to be independent thinkers supportive colleagues and tireless advocates of Your truth. May God grant you always a sunbeam to warm you, a moonbeam to charm you, a sheltering angel so nothing can harm you, laughter to cheer you, faithful friends near you, and whenever you pray, heaven to hear you. Amen.

Rep. Senter led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mason, Ahlgren, Lovejoy, Julie Brown, David Cote, McNamara and Eaton, the day, illness.

Reps. Dodge, Gross, Simon, Carol Moore, Merritt, Kincaid, C. William Johnson, Loder, Record, McIlwaine, Musler, Crum, Elizabeth Moore, Cloutier, Katherine Pratt and Clemons, the day, important business.

Reps. O'Keefe and Leclerc, the day, death in the family.

Rep. Irene Pratt, the day, illness in the family.

INTRODUCTION OF GUESTS

William Pound and Barbara Polls of the National Conference of State Legislatures, guests of Speaker Burns. Diane Newman and John Poulin, wife and guest of Rep. Newman.

Reps. Milligan and Frances Riley offered the following:

HOUSE RESOLUTION NO. 21

observing St. Patrick's Day

WHEREAS, the House of Representatives has always been aware of its ethnic minorities, especially those whose ancestors hail from the Emerald Isle, and

WHEREAS, if an observer were to believe his eyes with the prevalence of green attire today, this particular minority has become a majority overnight, and

WHEREAS, all of the Little People in Ireland must be heartened by the emergence of the Emerald Majority, and

WHEREAS, can the House of Representatives not be worthy of the prayers of St. Patrick when it has chosen a Speaker named O'Burns, a Majority Leader named O'Gross, and Democratic Leader named O'Trombly and a Libertarian Leader named O'Gorman, Now therefore be it

RESOLVED, by the House of Representatives in irregular, irrelevant and irreverent session convened, that for today, the seventeenth of March, any member who has the yearning to be of the Old Sod and signifies so by the wearing of the green, is so confirmed and sanctified.

Adopted.

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 53, 55, 62, 70, 77, 79, 98, 116, 191, 210, 217, 218, 220, 224 and 248, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading referral**

SB 53, relative to third party administrators. (Commerce, Small Business & Consumer Affairs)

SB 55, relative to accident and health insurance and health maintenance organizations. (Commerce, Small Business & Consumer Affairs)

SB 62, establishing a committee to study child support issues. (Children, Youth & Juvenile Justice)

SB 70, requiring that dogs and cats placed by shelters and pounds be spayed or neutered. (Wildlife & Marine Resources)

SB 77, relative to resellers of telecommunication services. (Science, Technology & Energy)

SB 79, also known as the "Kimberly Goss Act", limiting persons arrested for a violent offense while on parole or probation for a similar offense from receiving bail. (Corrections & Criminal Justice)

SB 98, relative to fees charged for processing and approval of residential mortgage loan applications. (Commerce, Small Business & Consumer Affairs)

SB 116, relative to reporting of treatment or assistance given to victims of domestic abuse and requiring physicians and hospitals to use domestic violence protocol as adopted by the department of justice. (Judiciary)

SB 191-FN, relative to the New Hampshire real estate practice act. (Commerce, Small Business & Consumer Affairs)

SB 210-FN, relative to the division for children and youth services confidentiality statutes. (Children, Youth & Juvenile Justice)

SB 217-FN, clarifying the laws relative to guardianship and expanding a guardian's powers. (Judiciary)

SB 218-FN, relative to the child protection act. (Children, Youth & Juvenile Justice)

SB 220-FN-L, relative to criminal history checks for school personnel and applicants. (Education)

SB 224-FN, relative to the statewide education improvement and assessment program and making an appropriation therefor. (Education)

SB 248-FN-A, establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in southern New Hampshire. (Economic Development)

ENROLLED BILLS REPORT

HB 112, extending public assistance granted to needy and dependent children to otherwise eligible parents or needy caretaker relatives and changing a reference from human services to children and youth services.

HB 132, increasing the borrowing authority of the Bartlett water precinct.

HB 187, authorizing the division of public health services to charge fees for copies of data or statistical information.

HB 202, allowing use of photographs on file for a duplicate driver's license.

HB 359, making a technical change relative to class II highways.

HB 373, relative to notification of employees of corrections facilities after exposure to infectious diseases.

HB 498, relative to the committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties.

Rep. Miriam Dunn, for the Committee

REQUESTS CONCURRENCE WITH AMENDMENT

HB 281, to change the Salisbury and Warner town lines. (Amendment printed SJ 9, 03/11/93)

Rep. Wadsworth moved that the House concur.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 107-FN-A, exempting real and personal property of a decedent from the legacies and successions tax when such property passes to or for the use of a sibling or siblings of the decedent who hold the property jointly with a right of survivorship, was removed at the request of Rep. Arthur Pelletier.

HB 564, lowering the cigarette tax to \$.21, was removed at the request of Rep. Arthur Pelletier.

HB 601-FN-A, exempting from the real estate transfer tax certain transfers between land trusts and housing cooperatives, was removed at the request of Rep. Arthur Pelletier. Consent Calendar adopted.

HB 388, relative to disclosures by the seller of real property. RE-REFER TO COMMITTEE

Rep. Martha Fuller Clark for Commerce, Small Business and Consumer Affairs: The committee feels that while the intent of this legislation, which is to provide additional protection to both the seller and the buyer involved in nonlicensed real estate transfers and to simplify disclosure forms, has merit, further clarification is needed on buyer's rights vs. seller's rights, material defects vs. structural defects, and on private property vs. commercial property disclosures. Vote 11-0.

HB 389, relative to information which need not be disclosed in the sale of property. RE-REFER TO COMMITTEE

Rep. Martha Fuller Clark for Commerce, Small Business and Consumer Affairs: The committee feels that while the intent of the legislation is valid, further work on the specific language is necessary to insure that all parties involved in the selling or acquisition of property are adequately protected. Vote 11-0.

HB 394, relative to discrimination in automobile insurance policies. RE-REFER TO COMMITTEE

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The committee feels that while it has some data that this bill has merit, we need more time to evaluate additional data and more time to study the effects of the bill. Vote 15-0.

HCR 13, urging the cities and towns of New Hampshire to adopt recycling programs. OUGHT TO PASS WITH AMENDMENT

Rep. Rebecca E. Lee for Environment and Agriculture: The majority of the committee agrees that the New Hampshire Legislature should encourage recycling in the towns and cities of New Hampshire. Vote 14-0.

Amendment (1786B)

Amend the resolution by replacing all after the title with the following:

Whereas, cities and towns are faced with a solid waste disposal crisis; and

Whereas, the state has adopted a 40 percent waste reduction goal by the year 2000; and

Whereas, local governments must address the rising cost and environmental impacts of solid waste disposal; and

Whereas, the general court supports integrated solid waste management solutions which are environmentally safe and economically sound such as recycling; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges the cities, towns of New Hampshire to adopt recycling programs; and

That the general court hereby urges cooperation among communities in adopting recycling programs; and

That the general court, the house environment and agriculture committee, and the senate environment committee shall aggressively examine incentives for recycling by towns and cities and existing barriers to recycling and shall support and foster methods of reaching the state's solid waste reduction goal; and

That copies of this resolution signed by the speaker of the house and president of the senate be forwarded by the house clerk to each town and city in the state of New Hampshire.

HB 443, relative to the applicability of the state-federal unemployment compensation extended benefit program and relative to the status of the commissioner of the department of employment security as an interested party in cases in controversy at the administrative level. OUGHT TO PASS

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill limits the application of the current State-Federal unemployment compensation extended benefits program

for the period between March 6, 1993 and January 1, 1995. It further grants the Commissioner of the Department of Employment Security status as an interested party during administrative reconsideration and judicial review of the commissioner's decisions. Vote 16-0.

HB 620, extending unemployment benefits to domestic workers. OUGHT TO PASS WITH AMENDMENT

Rep. Paul R. Perkins for Labor, Industrial and Rehabilitative Services: This bill amends existing statute RSA-A:9, IV(b) by moving the occupations under Domestic Work to the category of workers who are entitled to unemployment compensation under New Hampshire Statute, providing the employer of the domestic worker has complied with Federal Unemployment Laws. Vote 16-0.

Amendment (1761B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to unemployment benefits for domestic workers.

Amend the bill by replacing all after the enacting clause with the following:

1 Unemployment Benefits for Domestic Workers. Amend RSA 282-A:9, IV(b) to read as follows:

(b) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority, *unless such services are covered under section 3306(c)(2) of the federal Unemployment Tax Act*;

2 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill extends the definition of "employment" for the purposes of unemployment benefits to domestic service covered under the federal Unemployment Tax Act.

HB 357, allowing the department of motor vehicles to revoke a license for up to 10 years for accidents involving a fatality. INEXPEDIENT TO LEGISLATE

Rep. Timothy N. Robertson for Transportation: Senate Bill 244 represents a rational approach to the problem this bill (House Bill 357) was attempting to address and provides due process. Vote 11-0.

HB 211, requiring the department of fish and game to establish a sound process for the opening, closing and monitoring of shellfish waters. RE-REFER TO COMMITTEE

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: Since the Governor has assigned the Public Health Services Director to come up with suggestions to resolve this issue, the committee felt he should be given the opportunity to make his recommendations and therefore voted to re-refer. Vote 9-0.

HB 237, requiring sporting clubs to recommend members to the fish and game commission. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: It was the committee's feeling that this bill provided an avenue for the New Hampshire sporting clubs to have more of an input to Fish and Game Commission nominations and should be passed as amended. Vote 11-0.

Amendment (1844B)

Amend RSA 206:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Sporting clubs in each county may form a county sporting club board. Whenever an appointment is to be made to the commission, each board may nominate one to 3 persons and submit such recommendations to the governor for the governor's consideration. Whenever an appointment is to be made to the commission from the tidewater towns, the advisory committee on shore fisheries may nominate one to 3 persons and submit such recommendations to the governor for the governor's consideration.

REGULAR CALENDAR

HB 341, relative to a small employer insurance availability act. OUGHT TO PASS WITH AMENDMENT

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: This bill completely revises the small employer insurance chapter which was enacted in the 1992 session. The purpose is to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience. The bill provides for development of a basic health insurance plan to be offered to small employers who have not had coverage in the preceding 12 months. This is not intended to provide a comprehensive solution to the problem of affordability of health care or health insurance. It is, however, an attempt to establish a mechanism for some small employers to purchase a basic plan which will focus on preventative care. Vote 15-1.

Amendment (1938B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a small employer insurance availability act
and standardized medical benefits forms.

Amend the introductory paragraph of RSA 415:18, XII as inserted by section 3 of the bill by replacing it with the following:

XII. No insurer shall, when issuing or renewing a *group or blanket* policy or contract of *hospital or surgical expense or major medical expense* insurance or any certificate under such policy or contract covered by this chapter, deny coverage or limit coverage to any *person who is a resident of this state and who is principally employed in this state and to any other person who is a non-resident but who is principally employed in this state* on the basis of health risk or condition except that a waiting period consistent with insurance department rules may be imposed for pre-existing medical conditions. If an insurer accepts an application for *group or blanket hospital or surgical expense or major medical expense* coverage, such acceptance shall be subject to the following:

Amend the bill by replacing section 7 with the following:

7 Purpose. The purpose and intent of section 8 of this act are to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules regarding renewability of coverage, to establish limitations on the use of pre-existing condition exclusions, to provide for development of a basic health insurance plan to be offered to all small employers, to provide for establishment of a reinsurance program, and to improve the overall fairness and efficiency of the small group health insurance market. Section 8 of this act is not intended to provide a comprehensive solution to the problem of affordability of health care or health insurance.

Amend RSA 420-G:1, IV as inserted by section 8 of the bill by replacing it with the following:

IV. "Basic health insurance plan" means the health care plan developed pursuant to RSA 420-G:9.

Amend RSA 420-G:1, VI as inserted by section 8 of the bill by replacing it with the following:

VI. "Carrier" means any person who provides health insurance in this state. For the purposes of this chapter, carrier includes an insurance company, a hospital service corporation, a medical service corporation, a nonprofit health service corporation, a health maintenance organization, a fraternal benefit society, a multiple employer welfare arrangement which does not meet the requirements of RSA 415-E:2, III, or any other person providing a plan of health insurance subject to state regulation. For purposes of this chapter, companies that are affiliated companies or that are eligible to file a consolidated tax return shall be treated as one carrier except that any insurance company, nonprofit health service corporation, hospital service corporation or medical service corporation that is an affiliate of a health maintenance organization located in this state which is an affiliate of an insurance company, nonprofit health service corporation, hospital service corporation or medical service corporation may treat the health maintenance organization as a separate carrier, and each health maintenance organization that operates only one health maintenance organization in a service area of this state may be considered a separate carrier.

Amend RSA 420-G:1, XII as inserted by section 8 of the bill by replacing it with the following:

XII. "Eligible employee" means an employee who works on a full-time basis, with a normal work week of 30 or more hours and has met any applicable waiting period requirements. The term includes a sole proprietor, a partner of a partnership, or an independent contractor, if the sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer. "Eligible employee" also includes part-time employees when an employer has elected to offer coverage to part-time employees pursuant to RSA 415:18, I(q).

Amend RSA 420-G:1, XXX as inserted by section 8 of the bill by replacing it with the following:

XXX. "Small employer" means a business or organization with between 2 and 50 employees.

Amend RSA 420-G:1 as inserted by section 8 of the bill by deleting paragraph XIII and renumbering the original paragraphs XIV-XXXI to read as XIII-XXX, respectively.

Amend RSA 420-G:2, II as inserted by section 8 of the bill by replacing it with the following:

II. The provisions of this chapter shall not apply to non-group individual health insurance policies which are subject to policy form and premium rate approval.

Amend RSA 420-G:3, I(m) as inserted by section 8 of the bill by replacing it with the following:

(m) A small employer carrier shall not modify the basic health insurance plan with respect to a small employer or any eligible employee or dependent through riders, endorsements or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the health insurance plan. However, nothing in this chapter shall be construed as precluding insurers from offering as attachments to the basic plan riders which provide additional or enriched benefits.

Amend RSA 420-G:5, II-V as inserted by section 8 of the bill by replacing them with the following:

II. Within 180 days after the commissioner's approval of the basic health insurance plan developed pursuant to RSA 420-G:9, every small employer carrier, whether a risk-assuming carrier or a reinsuring carrier shall, as a condition of transacting business in this state with small employers, actively offer to small employers a health insurance plan. The plan offered by each small employer carrier shall be the basic health insurance plan. However, a small employer carrier shall not issue the basic health insurance plan to any small employer who has had a health insurance plan at any time during the 12-month period preceding the date of issue.

III. Each small employer carrier issuing new health benefit plans shall offer to any small employer the purchase of the basic health benefit plan established pursuant to RSA 420-G:9. However, nothing in this chapter shall be construed as precluding insurers from offering as attachments to the basic plan riders which provide additional or enriched benefits.

IV. A small employer carrier shall file with the commissioner, in a format and manner prescribed by the commissioner, the basic health insurance plan to be used by the carrier. A plan filed pursuant to this paragraph may be used by a small employer carrier beginning 30 days after it is filed unless the commissioner disapproves its use.

V. The commissioner at any time may disapprove, after providing notice and an opportunity for a hearing to the small employer carrier, the continued use by a small employer carrier of the basic health insurance plan on the grounds that the plan does not meet the requirements of this chapter.

Amend RSA 420-G:7, VII as inserted by section 8 of the bill by replacing it with the following:

VII. A risk-assuming carrier shall make available to all small employers in this state, on a year-round basis and without regard to the health status or industry of the eligible employees and dependents of the small employers, health insurance plans that provide at least the coverage of the basic health insurance plan and that comply with the requirements of RSA 420-G:9.

Amend RSA 420-G:8, IX(h) as inserted by section 8 of the bill by replacing it with the following:

(h) Borrow money or issue bonds to effect the purposes of the program. Money borrowed or bonds issued shall be the obligation of the program and not a general obligation of the state. Any notes or other evidences of indebtedness of the program not in default shall be legal investments for carriers and may be carried as admitted assets.

Amend RSA 420-G:8, X(a) as inserted by section 8 of the bill by replacing it with the following:

(a) With respect to the basic health insurance plan, the program shall reinsure the level of coverage provided and, with respect to other plans, the program shall reinsure up to the level of coverage provided in the basic plan.

Amend RSA 420-G:8, XIV(b)(7) as inserted by section 8 of the bill by replacing it with the following:

(7) If the net loss is not recouped from reinsuring carriers before assessments totaling 5 percent of the premiums from health benefit plans covering small employers have been collected, additional funding for the program shall be provided from an assessment against total health insurance premiums only earned in this state by reinsuring carriers during the calendar year coinciding with or ending during the fiscal year of the program.

Amend RSA 420-G:8, XVII as inserted by section 8 of the bill by replacing it with the following:

XVII. The board, as part of the plan of operation, shall develop standards setting forth the manner and levels of compensation to be paid to producers for the sale of the basic health benefit plan. In establishing such standards, the board shall take into consideration the need to assure the broad availability of coverages, the objectives of the program, the time and effort expended in placing the coverage, the need to provide ongoing service to the small employer, the levels of compensation currently used in the industry and the overall costs of coverage to small employers selecting this plan.

Amend the section heading of RSA 420-G:9 as inserted by section 8 of the bill by replacing it with the following:

420-G:9 Health Benefit Plan Committee; Basic Health Benefit Plan.

Amend RSA 420-G:9, I as inserted by section 8 of the bill by inserting after subparagraph (d) the following new subparagraph:

(e) One representative who is an employee of a small employer and represents the interests of insureds, appointed by the governor.

Amend RSA 420-G:9, II and III as inserted by section 8 of the bill by replacing them with the following:

II. Committee members shall nominate and elect a chairman at the first meeting of the committee. The original committee members shall serve 2-year terms. After the basic health benefit plan has been developed, the committee shall adjourn to meet at the call of the commissioner.

III. The committee shall develop the form and level of coverages for the basic benefit plan including cost sharing provisions. As part of the development of the plan, the committee shall hold a minimum of 2 public hearings at different locations in the state to solicit input on the plans from employees, employers, carriers, providers and other interested parties. The final recommendations on the plan shall be made to the board within 180 days of the appointment of the committee members. The plan shall be submitted to the commissioner for approval or changes and the commissioner shall have approved the final benefit plan no later than 30 days following receipt of the plan. Such plan shall comply with all of the requirements of this chapter.

Amend RSA 420-G:9, VI(c) as inserted by section 8 of the bill by replacing it with the following:

(c) The plan shall cover newborn and adopted children as outlined in RSA 415:22-a; 415:18, V; 415:21; 420-A; 420-B; and 420-C.

Amend RSA 420-G:9, VI(e)(1) as inserted by section 8 of the bill by replacing it with the following:

(1) Preventive health care in a physician's or advanced registered nurse practitioner's office including routine office visits, periodic health examinations, immunizations, well-child care, diagnostic tests, surgery and related services with a maximum of 6 visits per year and a per-visit co-payment.

Amend RSA 420-G:9, VI(f) as inserted by section 8 of the bill by replacing it with the following:

(f) Some outpatient coverage for mental and nervous conditions should be considered as a covered service, but with a limit to the number of visits, which shall not be required to be greater than other outpatient services, and subject to co-payments. Providers covered in RSA 415:18-a shall be included.

Amend RSA 420-G:9 as inserted by section 8 of the bill by replacing paragraphs VII and VIII with the following:

VII. The basic health plan shall include cost containment provisions including, but not limited to the following:

(a) An exclusion for services that are not medically necessary or that are not covered preventive health services.

(b) A procedure for preauthorization by the small employer carrier or its designees.

(c) Managed care that may include:

(1) A restricted provider arrangement or exclusive provider organization or any combination thereof, in which a small employer carrier enters into a written agreement with the provider to provide services at specified levels of reimbursement or to provide reimbursement to specified providers. Any such written agreement between a provider and a small employer carrier must contain a provision under which the parties agree that the insured individual or covered member has no obligation to make payment for any medical service rendered by the provider which is determined not to be medically necessary.

(2) A procedure for utilization review by the small employer carrier or its designee.

(3) Case management services.

(d) This section does not prohibit a small employer carrier from including in its policy or contract additional managed care and cost containment provisions subject to the approval of the commissioner. Measures implemented under this paragraph must have a potential for controlling costs in a manner that does not result in inequitable treatment of insureds or subscribers.

(e) The basic benefit plan may include a schedule of benefit limitations for specified services and procedures. If the committee develops such a schedule of benefits limitation for the plan, a small employer carrier offering the plan must offer the employer an option for increasing the benefit schedule by 4 percent annually.

Amend RSA 420-G:10 as inserted by section 8 of the bill by replacing it with the following:

420-G:10 Filing of Rates. No policy or contract of insurance or any certificate under such policy or contract shall be issued under this chapter until the premium rates have been filed with and approved by the commissioner. Rates shall be deemed approved if not expressly disapproved in writing by the commissioner within 45 days after filing. Premium rates found to be unreasonable in relation to the benefits provided may be disapproved.

Amend RSA 420-G:11, I as inserted by section 8 of the bill by replacing it with the following:

I. The board shall study and report annually to the commissioner, speaker of the house, president of the senate and governor on the effectiveness of this chapter. The report shall analyze the effectiveness of the chapter in promoting rate stability, product availability, and affordability of coverage and may contain recommendations for actions to improve the overall effectiveness, efficiency and fairness of the small group health insurance marketplace. The report shall:

(a) Have information for each carrier under this program, whether risk assuming or reinsuring, regarding the number of policies written under this program, premiums paid by small employers under this program, number and types of small employers ceded to the reinsurance program, and the administrative costs of the program.

(b) Address whether carriers and producers are fairly and actively marketing or issuing health benefit plans to small employers in fulfillment of the purposes of the chapter and may contain recommendations for market conduct or other regulatory standards or action.

(c) Compare the experience in New Hampshire to that of other states with similar programs. It shall also provide a financial statement for the reinsurance program including costs to administer the program, the number and types of assessments levied and whether or not assessments were levied against lines of insurance other than health.

Amend RSA 420-G:13, I as inserted by section 8 of the bill by replacing it with the following:

I. Each small employer carrier shall actively market health insurance plan coverage, including the basic health insurance plan, to eligible small employers in the state. If a small employer carrier denies coverage to a small employer on the basis of the health status or claims experience of the small employer or its employees, or dependents, the small employer carrier shall offer the small employer the opportunity to purchase the basic health insurance plan.

Amend RSA 420-G:13, V as inserted by section 8 of the bill by replacing it with the following:

V. A small employer carrier shall provide reasonable compensation, as provided under the plan of operation of the program to a producer, if any, for the sale of the basic health insurance plan.

Amend the bill by replacing all after section 9 with the following:

10 New Section; Standardized Medical Benefits Form. Amend RSA 400-A by inserting after section 15 the following new section:

400-A:15-a Standardized Medical Benefits Form. The insurance commissioner shall adopt rules under RSA 541-A relative to one standardized claim form to be used by health insurers, health maintenance organizations, health service corporations, hospital service corporations, medical service corporations and preferred provider programs.

11 Interim Form. On and after January 1, 1994, and until the insurance commissioner's rules under section 10 of this act become effective, all health insurers, health maintenance organizations, health service corporations, hospital service corporations, medical service corporations, preferred provider programs and third party administrators shall use the form known as "FORM HCFA-1500" for physician office visits and the "FORM UB-82" for hospital care. The commissioner shall make copies of these forms available to those providers who need them.

12 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill completely revises the small employer insurance chapter which was enacted in the 1992 session.

The bill also makes technical changes to HB 411 which was enacted by the 1992 session as chapter 222 and which prohibited discrimination by health insurers during adoption proceedings.

The bill requires the insurance commissioner to establish by rule a standard form for all health insurers, health maintenance organizations, hospital service corporations, medical service corporations, health service corporations, and preferred providers to use for medical benefit claims.

Adopted.

Rep. Crory spoke in favor and yielded to questions.

Rep. Katherine Wheeler moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Syracuse and Bonnie Packard spoke against and yielded to questions.

The motion failed.

Report adopted and ordered to third reading.

HB 552, prohibiting insurance companies from refusing to insure pre-existing conditions
INEXPEDIENT TO LEGISLATE

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The committee recognizes the concerns of access to health insurance. However, we believe that HB 341 is a much better solution to the problem. The Insurance Department testified of a genuine fear that if this bill passed, it would destroy rather than reform the market for small business group health insurance. Vote 10-6.

Adopted.

CACR 6, relating to term limits for state and county offices. Providing that no person shall hold state or county offices for more than 6 terms or 12 years. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary R. Gilmore for the Majority of Constitutional and Statutory Revision: The committee believes it is appropriate to give the people of this state the power to limit terms of office for state senator, state representative, executive councilor, and county commissioner to six consecutive terms. Vote 12-8.

Rep. Roland E. Hemon for the Minority of Constitutional and Statutory Revision: The Minority felt that the people should not be limited in the choice of candidates for whom they can vote by any means. The will of the people is paramount and should not be abridged.

Amendment (1885B)

Amend the title of the resolution by replacing it with the following:

RELATING TO: term limits for certain state and county offices.

PROVIDING THAT: no person shall hold certain state or county offices for more than 6 consecutive terms or 12 consecutive years.

Amend Part II, Article 95-A as inserted by paragraph I of the resolution by replacing it with the following:

[Art.] 95-a. [Terms Limited for Certain State and County Offices.] No person shall hold the state office of senator, member of the house of representatives or councilor, nor the county office of county commissioner for more than 6 consecutive terms or 12 consecutive years. These limits shall apply to those terms served subsequent to the November, 1994, election.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to require that, for terms served after the 1994 election, no person shall hold the state office of senator, member of the house of representatives or councilor, nor the county office of county commissioner for more than 6 consecutive terms or 12 consecutive years?

AMENDED ANALYSIS

This constitutional amendment-concurrent resolution limits the terms of certain state and county offices to 6 consecutive terms or 12 consecutive years. These limits will begin to apply following the 1994 elections.

Adopted.

Reps. Douglas Hall, Hunt and Gilmore spoke in favor.

Rep. Jasper spoke against and yielded to questions.

Reps. Hemon and Donna Sytek spoke against.

Roll call request sufficiently seconded. The question being the adoption of the amended report.

YEAS 148

NAYS 202

		YEAS 148	
		BELKNAP	
Johnson, Carl	Lafiam, Robert	Rosen, Ralph	Salatiello, Thomas

		CARROLL	
Bradley, Jeb	Foster, Robert	Saunders, Howard	

		CHESHIRE	
Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	DePecol, Benjamin
Foster, Katherine	Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	Metzger, Katherine	Pearson, Gertrude	Richardson, Barbara
Royce, H. Charles	Russell, Ronald		

		COOS	
Foss, Frederic	Hawkinson, Marie	Wiswell, James	

		GRAFTON	
Below, Clifton	Chase, Paul, Jr.	Copenhaver, Marion	Larson, Nils, Jr.
Rose, William			

		HILLSBOROUGH	
Ackerman, Philip	Allen, W. Gordon	Arnold, Thomas, Jr.	Bagley, Amy
Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew	Buckley, Raymond
Crotty, Edward	Daigle, Robert	Domaingue, Jacquelyn	Durham, Susan
Dykstra, Leona	Ferguson, Charles	Foster, Linda	Gage, Ruth
Hanselman, Gregory	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Kelley, Dana	Kelley, Robert
Kurk, Neal	Lachut, Ervin	Lessard, Rudy	Milligan, Robert
Morrisette, Roland	O'Rourke, Joanne	Packard, Bonnie	Pepino, Leo
Peters, Stanley	Plourde, Alphonse	Rheault, Lillian	Rothhaus, Finlay
Smart, John	Soucy, Donna	Soucy, Richard	Tate, Joan
Turgeon, Roland	Wright, George		

MERRIMACK

Apple, Lowell
Chandler, John
Langer, Ray
Shaw, Randall

Barberia, Richard
Fillion, Paul
Owen, Derek
Soldati, Jennifer

Braiterman, Thea
Hall, Douglas
Regan, Maurice
Trombly, Rick

Buessing, Marjorie
Houlahan, Thomas
Rogers, Katherine
Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Conroy, Janet
Felch, Charles, Sr.
Gorman, Donald
Katsakiores, Phyllis
Malcolm, Kenneth
Noyes, Richard
Rubin, George
Splaine, James
Warburton, Calvin

Arndt, Janet
Chester, Sherman
Crossman, Harold, Jr.
Flanders, David
Groves, Bonnie
Klemarczyk, Thaddeus
McKinney, Betsy
Pantelakos, Laura
Schanda, Joseph, Sr.
St. Martin, Tommy
Welch, David

Beaulieu, Jon
Christie, Andrew, Jr.
Dowd, Sandra
Gage, Beverly
Hurst, Sharleene
Klemm, Arthur, Jr.
Moore, Benjamin
Putnam, Ed, II
Senter, Marilyn
Stone, Joseph
Weyler, Kenneth

Bell, Juanita
Coes, Betsy
Dowling, Patricia
Gargiulo, Louis
Kane, Cecelia
Lee, Rebecca
Newman, Rick
Raynowska, Bernard
Smith, Arthur
Teminko, Margaret
Yennaco, Carol

STRAFFORD

Brown, George
Hashem, Elaine
O'Brien, John

Callaghan, Frank
Hilliard, Dana
Rogers, Rose Marie

Chagnon, Ronald
Knowles, William
Torr, Ralph

Gilmore, Gary
Merrill, Amanda
Vincent, Francis

SULLIVAN

Domini, Irene
Stamatakis, Carol

Flint, Gordon

Holl, Ann

Schotanus, Merle

NAYS 202**BELKNAP**

Bartlett, Gordon
Golden, Paul
Lawton, David
Ziegler, Alice

Cain, Thomas
Hauck, William
Rice, Thomas, Jr.

Campbell, Richard, Jr.
Hawkins, Robert
Smith, Linda

Dewhirst, Glenn
Holbrook, Robert
Turner, Robert

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Allen

Beach, Mildred
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

Cogswell, Richard
Philbrick, Donald

CHESHIRE

Champagne, Richard
Perry, David

Cole, Stacey
Riley, William

Delano, Robert
Robertson, Timothy

McGuirk, Paul
Smith, Edwin

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Guay, Lawrence
Merrill, Gerald

Horton, Lynn
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Patricia
Guest, Robert
Nordgren, Sharon
Wadsworth, Karen

Bean, Pamela
Dow, David
Ham, Bonnie
Scanlan, David
White, Paul

Brown, Alison
Driscoll, William
Hill, Richard
Teschner, Douglass

Brown, Channing
Gordon, Edward
LaMott, Paul
Trelfa, Richard

HILLSBOROUGH

Ahern, Richard
Arnold, Barbara
Calawa, Leon, Jr.

Ahrens, Frederick
Asselin, Robert
Cepaitis, Elizabeth

Amidon, Eleanor
Bowers, Dorothy
Chabot, Robert

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret

Daniels, Gary
Drolet, Paul
Fields, Dennis
Greenberg, Gary
Healy, Daniel
Kirby, Thomas
Lown, Elizabeth
McCarty, Winston
Messier, Irene
Murphy, Robert
Reidy, Frank
Smith, Leonard
Weergang, Alida

Desrosiers, William
Dwyer, Patricia
Franks, Suzan
Haettenschwiller, Alphonse
Holden, Carol
L'Heureux, Robert
Lozeau, Donnalee
McNemey, Daniel
Mittelman, David
Paquette, Rodolphe
Riley, Frances
Toomey, Kathryn
Wells, Peter, Sr.

Donovan, Francis
Dyer, Merton
Gagnon, Eugene
Hall, Betty
Jasper, Shawn
Laughlin, J. Francis
Martin, Mary Ellen
McRae, Karen
Moncrief, Keith
Perkins, Paul
Sargent, Maxwell
Upton, Barbara
Wheeler, Robert

Drabinowicz, A. Theresa
Fenton, James
Gosselin, Gerald
Hart, Nick
Jean, Loren
Lefebvre, Roland
McCann, Bonnie
Mercer, Robert
Morello, Michael
Philbrook, Paula
Searles, Stanley, Sr.
Vanderosk, Stanley
White, John

MERRIMACK

Carter, Susan
Feuerstein, Martin
Holmes, Mary
Newland, Matthew
Teague, Bert
Willis, Jack

Chandler, Earle
French, Barbara
Johnson, Joyce May
Nichols, Avis
Wallner, Mary Jane
Yeaton, Charles

Daneault, Gabriel
Gilbreth, Robert
Kidder, William
Pfaff, Terence
Whalley, Michael

Dunn, Miriam
Hill, Michael
Lockwood, Robert
Stapleton, Henry
Whittemore, James

ROCKINGHAM

Blake, Daniel
Clark, Martha
DiPietro, Carmela
Flanagan, Natalie
Katsakiores, George
Packard, Sherman
Rosencrantz, James
Sytek, John

Buco, Stephen
Clark, Vivian
Drake, Herbert
Flanders, John, Sr.
Kruse, Fred
Pullman, Robert
Skinner, Patricia
Vaughn, Charles

Campbell, Marilyn
Cote, Charles
Dube, LeRoy
Hemenway, Thomas
McGovern, Cynthia
Richards, David
Stritch, C. Donald
Williamson, William

Caswell, Albert, Jr.
Cote, Patricia
Fesh, Robert
Johnson, Robert
Miller, Don
Ritzo, Eugene
Sytek, Donna
Woods, Deborah

STRAFFORD

Douglass, Clyde
Keans, Sandra
McKinley, Robert
Snyder, Clair
Torr, Franklin

Dunlap, Patricia
Lundborn, Raymond
Nehring, William
Spear, Barbara
Wall, Janet

Hambrick, Patricia
McCann, William, Jr.
Pageotte, Donald
Sullivan, Henry
Wasson, Richard

Hemon, Roland
McGrath, J. Gregory
Pelletier, Arthur
Torr, Ann
Wheeler, Katherine

SULLIVAN

Allison, David
Lindblade, Eric

Behrens, Thomas
Palmer, Lorraine

Burling, Peter
Peyron, Fredrik

Kane, Joan

and the amended report failed.

Rep. Jasper moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment.

Adopted.

CACR 7, relating to establishing a statewide referendum procedure for the repeal of state statutes. Providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. **RE-REFER TO COMMITTEE**

Rep. Randall F. Shaw for Constitutional and Statutory Revision: After extensive consideration and discussion of this proposed constitutional amendment, it was the desire of the committee that it be re-referred. An attempt to amend the bill was unsuccessful. It will be studied in conjunction with CACR 12, which has also been recommended to be re-referred. Vote 19-1.

Adopted.

SPECIAL ORDER

HB 687-FN, requiring the installation and use of toll gate barriers at automatic toll collection booths. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY I: RE-REFER TO COMMITTEE. MINORITY II: RE-REFER TO COMMITTEE.**

Rep. Gene G. Chandler for the Majority of Public Works: The first motion in committee on House Bill 687-FN was Re-Refer which was defeated 11-9, leading to the subsequent and adopted motion of Inexpedient to Legislate. While initial confusion and media fed frenzy portrayed the early history of the Governor's decision to remove the toll gates, subsequent data shows that the present system is working well and in the best interest of the State of New Hampshire. It's time to move along. Vote 11-9.

Reps. Katherine D. Rogers, Raymond Buckley, Richard F. Ahern, William K. Kincaid, Norman R. Bergeron, John R. Cloutier, Henry P. Sullivan for the Minority of Public Works. The Minority believes this bill warrants a detailed study. Estimated costs of installation, operation and removal of gates at the State's toll facilities have changed considerably over the course of the time since their removal. A study needs to be conducted to determine the true costs or savings incurred by their removal, as well as a determination of what process was used in both the initial installation of barrier gates and their subsequent removal.

Rep. Sandra B. Keans for a Minority of Public Works: There are three branches of government developed as a check and balance on each other. When the Executive Branch reports figures of additional revenues from \$500,000 to \$250,000 to \$100,000, and NOW an annual loss to keep the gates of \$168,500 for personnel, replacement \$4,600 and maintenance of \$12,400. It's too confusing for me. Additional study to determine the revenue impact in these tough economic times is needed. I do not, however, support the gates.

Rep. Katherine Rogers moved that the words Re-refer to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Gene Chandler and Cole spoke against and yielded to questions.

Rep. Trombly spoke in favor and yielded to questions.

Rep. Keans spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 148**NAYS 206****YEAS 148
BELKNAP**

Hauck, William	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	Wiswell, James		

GRAFTON

Adams, Carl	Below, Clifton	Copenhaver, Marion	Crory, Elizabeth
Dow, David	Guest, Robert	LaMott, Paul	Nordgren, Sharon

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Asselin, Robert	Bagley, Amy
Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew	Buckley, Raymond
Crotty, Edward	Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Patricia
Fields, Dennis	Foster, Linda	Gage, Ruth	Gosselin, Gerald

Haettenschwiller, Alphonse
Johnson, Lionel
Lessard, Rudy
Milligan, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Donna
Upton, Barbara

Hall, Betty
Kirby, Thomas
Lozeau, Donnalee
Mittelman, David
Paquette, Rodolphe
Rothhaus, Finlay
Soucy, Richard
Vanderlosk, Stanley

Hanselman, Gregory
Lachut, Ervin
Martin, Mary Ellen
Morrissette, Roland
Philbrook, Paula
Smart, John
Toomey, Kathryn
White, John

Jean, Claudette
Laughlin, J. Francis
Messier, Irene
Murphy, Robert
Plourde, Alphonse
Smith, Leonard
Turgeon, Roland

MERRIMACK

Apple, Lowell
Feuerstein, Martin
Johnson, Joyce May
Regan, Maurice
Wallner, Mary Jane

Braiterman, Thea
Fillion, Paul
Newland, Matthew
Rogers, Katherine
Weeks, John, Jr.

Daneault, Gabriel
French, Barbara
Nichols, Avis
Soldati, Jennifer
Yeaton, Charles

Dunn, Miriam
Gilbreth, Robert
Owen, Derek
Trombly, Rick

ROCKINGHAM

Bell, Juanita
Clark, Martha
Groves, Bonnie
Newman, Rick
Schanda, Joseph, Sr.
Vaughn, Charles

Buco, Stephen
Coes, Betsy
Kane, Cecelia
Pantelakos, Laura
Splaine, James
Warburton, Calvin

Campbell, Marilyn
Crossman, Harold, Jr.
Lee, Rebecca
Raynowska, Bernard
St. Martin, Tommy

Caswell, Albert, Jr.
Gorman, Donald
McGovern, Cynthia
Rosencrantz, James
Teminko, Margaret

STRAFFORD

Brown, George
Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry
Wheeler, Katherine

Callaghan, Frank
Hambrick, Patricia
Knowles, William
Merrill, Amanda
Pelletier, Marsha
Torr, Ralph

Chagnon, Ronald
Hashem, Elaine
Lundborn, Raymond
O'Brien, John
Rogers, Rose Marie
Vincent, Francis

Dunlap, Patricia
Hemon, Roland
McCann, William, Jr.
Pageotte, Donald
Snyder, Clair
Wall, Janet

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Domini, Irene
Stamatakis, Carol

Holl, Ann

NAYS 206

BELKNAP

Bartlett, Gordon
Golden, Paul
Lafiam, Robert
Smith, Linda

Cain, Thomas
Hawkins, Robert
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.
Ziegra, Alice

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Manning, Joseph
Smith, Edwin

Cole, Stacey
Pearson, Gertrude
Young, David

Delano, Robert
Perry, David

Hunt, John
Royce, H. Charles

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Bean, Pamela	Brown, Alison	Brown, Channing	Brown, Patricia
Chase, Paul, Jr.	Driscoll, William	Gordon, Edward	Ham, Bonnie
Hill, Richard	Larson, Nils, Jr.	Rose, William	Scanlan, David
Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen
White, Paul			

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara
Arnold, Thomas, Jr.	Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Cowenhoven, Garret	Daniels, Gary
Desrosiers, William	Domaingue, Jacquelyn	Donovan, Francis	Drolet, Paul
Durham, Susan	Dyer, Merton	Dykstra, Leona	Fenton, James
Ferguson, Charles	Franks, Suzan	Gagnon, Eugene	Greenberg, Gary
Hart, Nick	Healy, Daniel	Holden, Carol	Holley, Sylvia
Holt, David	Hunter, Bruce	Jasper, Shawn	Jean, Loren
Kelley, Dana	Kelley, Robert	Kurk, Neal	L'Heureux, Robert
Lefebvre, Roland	Lown, Elizabeth	McCann, Bonnie	McCarty, Winston
McNemey, Daniel	McRae, Karen	Mercer, Robert	Moncrief, Keith
Morello, Michael	Packard, Bonnie	Pepino, Leo	Perkins, Paul
Peters, Stanley	Rheault, Lillian	Riley, Frances	Sargent, Maxwell
Searles, Stanley, Sr.	Tate, Joan	Weergang, Alida	Wells, Peter, Sr.
Wheeler, Robert	Wright, George		

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Carter, Susan	Chandler, Earle
Chandler, John	Hall, Douglas	Hill, Michael	Holmes, Mary
Houlahan, Thomas	Kidder, William	Langer, Ray	Lockwood, Robert
Pfaff, Terence	Shaw, Randall	Stapleton, Henry	Teague, Bert
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Chester, Sherman	Christie, Andrew, Jr.
Clark, Vivian	Conroy, Janet	Cote, Charles	Cote, Patricia
DiPietro, Carmela	Dowd, Sandra	Dowling, Patricia	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Gargiulo, Louis
Hemenway, Thomas	Hurst, Sharlene	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
Malcolm, Kenneth	McKinney, Betsy	Miller, Don	Moore, Benjamin
Noyes, Richard	Packard, Sherman	Pullman, Robert	Putnam, Ed, II
Richards, David	Ritzo, Eugene	Rubin, George	Senter, Marilyn
Skinner, Patricia	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Welch, David	Weyler, Kenneth
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Douglass, Clyde	Hilliard, Dana	McKinley, Robert	Nehring, William
Spear, Barbara	Torr, Ann	Torr, Franklin	Wasson, Richard

SULLIVAN

Behrens, Thomas	Flint, Gordon	Lindblade, Eric	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle		

and the motion failed.
Report adopted.

CACR 8, relating to broad base, sales and income taxes. Providing that there shall be no broad base, sales or income taxes in the state of New Hampshire, or increases in any such tax upon their passage, without the approval of 2/3 of the voters present and voting in a popular referendum. **INEXPEDIENT TO LEGISLATE**

Rep. H. Thayer Kingsbury for Constitutional and Statutory Revision: The committee believes that CACR 8 creates more problems than solutions for future budgets. Vote 20-1.

Adopted.

Rep. Newman notified the Clerk that he wished to be recorded in opposition to the Committee Report.

CACR 9, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years. **INEXPEDIENT TO LEGISLATE**

Rep. LeRoy S. Dube for Constitutional and Statutory Revision: The Committee felt there was no need for a four-year term as there are no real reasons to change when other offices still continue on a two-year term. Vote 13-8.

Rep. Teague moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Paul White spoke against.

On a division vote, 214 members having voted in the affirmative and 126 in the negative, the motion passed.

Roll call request sufficiently seconded. The question being the adoption of the committee report on CACR 9.

YEAS 241

NAYS 103

Dewhirst, Glenn
Lafam, Robert
Ziegra, Alice

Hauck, William
Lawton, David

Hawkins, Robert
Salatiello, Thomas

Holbrook, Robert
Smith, Linda

**YEAS 241
BELKNAP**

CARROLL

Beach, Mildred
Wiggin, Gordon

Bradley, Jeb

Lyman, L. Randy

Philbrick, Donald

CHESHIRE

Avery, Stephen
Delano, Robert
McGuirk, Paul
Riley, William

Burnham, Daniel
Kingsbury, H. Thayer
Metzger, Katherine
Robertson, Timothy

Champagne, Richard
Lynch, Margaret
Pearson, Gertrude
Royce, H. Charles

DePecol, Benjamin
Manning, Joseph
Perry, David
Russell, Ronald

COOS

Bradley, Paula
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Mayhew, Josephine
Wiswell, James

Mears, Edgar

GRAFTON

Below, Clifton
Copenhaver, Marion
Ham, Bonnie
Scanlan, David

Brown, Alson
Dow, David
Hill, Richard
Teschner, Douglass

Brown, Patricia
Driscoll, William
Larson, Nils, Jr.
Ward, Kathleen

Chase, Paul, Jr.
Guest, Robert
Nordgren, Sharon

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bagley, Amy
Buckley, Raymond
Crotty, Edward
Drabinowicz, A. Theresa

Ahem, Richard
Andrews, Frederick
Bergeron, Lucien
Burke, M. Virginia
Daigle, Robert
Drolet, Paul

Ahrens, Frederick
Arnold, Barbara
Borsa, Andrew
Cepaitis, Elizabeth
Desrosiers, William
Durham, Susan

Allen, W. Gordon
Asselin, Robert
Bowers, Dorothy
Chabot, Robert
Donovan, Francis
Dwyer, Patricia

Dyer, Merton
Fields, Dennis
Gagnon, Eugene
Hanselman, Gregory
Holt, David
Kelley, Robert
Laughlin, J. Francis
Martin, Mary Ellen
Milligan, Robert
O'Rourke, Joanne
Philbrook, Paula
Smart, John
Tate, Joan

Dykstra, Leona
Foster, Linda
Greenberg, Gary
Hart, Nick
Jean, Claudette
Kurk, Neal
Lessard, Rudy
McCarty, Winston
Mittelman, David
Packard, Bonnie
Rheault, Lillian
Smith, Leonard
Turgeon, Roland

Fenton, James
Franks, Suzan
Haettenschwiler, Alphonse
Holden, Carol
Johnson, Lionel
L'Heureux, Robert
Lown, Elizabeth
McNemey, Daniel
Moncrief, Keith
Paquette, Rodolphe
Rothhaus, Finlay
Soucy, Donna
Wheeler, Robert

Ferguson, Charles
Gage, Ruth
Hall, Betty
Holley, Sylvia
Kelley, Dana
Lachut, Ervin
Lozeau, Donnalee
Messier, Irene
Morrissette, Roland
Peters, Stanley
Sargent, Maxwell
Soucy, Richard
White, John

MERRIMACK

Apple, Lowell
Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Johnson, Joyce May
Owen, Derek
Soldati, Jennifer
Wallner, Mary Jane

Barberia, Richard
Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Kidder, William
Pfaff, Terence
Stapleton, Henry
Ward, Jay

Braiterman, Thea
Chandler, John
Fillion, Paul
Holmes, Mary
Langer, Ray
Regan, Maurice
Teague, Bert
Weeks, John, Jr.

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Newland, Matthew
Rogers, Katherine
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Buco, Stephen
Coes, Betsy
DiPietro, Carmela
Flanagan, Natalie
Gorman, Donald
Klemarczyk, Thaddeus
McKinney, Betsy
Raynowska, Bernard
St. Martin, Tommy
Sytek, John
Yennaco, Carol

Arndt, Janet
Caswell, Albert, Jr.
Conroy, Janet
Dowd, Sandra
Flanders, David
Groves, Bonnie
Klemm, Arthur, Jr.
Moore, Benjamin
Rosencrantz, James
Stone, Joseph
Terninko, Margaret

Beaulieu, Jon
Chester, Sherman
Cote, Patricia
Dowling, Patricia
Gage, Beverly
Hemenway, Thomas
Kruise, Fred
Pullman, Robert
Schanda, Joseph, P.
Syracusa, Anthony
Weyler, Kenneth

Boucher, William
Clark, Martha
Crossman, Harold, Jr.
Drake, Herbert
Gargiulo, Louis
Hurst, Sharleene
Malcolm, Kenneth
Putnam, Ed, II
Skinner, Patricia
Sytek, Donna
Williamson, William

STRAFFORD

Chagnon, Ronald
Hambrick, Patricia
Knowles, William
McKinley, Robert
Pageotte, Donald
Torr, Ralph
Wheeler, Katherine

Douglass, Clyde
Hashem, Elaine
Lundborn, Raymond
Merrill, Amanda
Rogers, Rose Marie
Vincent, Francis

Dunlap, Patricia
Hilliard, Dana
McCann, William, Jr.
Nehring, William
Snyder, Clair
Wall, Janet

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
O'Brien, John
Spear, Barbara
Wasson, Richard

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Kane, Joan
Schotanus, Merle

Domini, Irene
Palmer, Lorraine

NAYS 103 BELKNAP

Bartlett, Gordon
Johnson, Carl

Cain, Thomas
Rice, Thomas, Jr.

Campbell, Richard, Jr.
Rosen, Ralph

Golden, Paul
Turner, Robert

CARROLL

Chandler, Gene	Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert
Mock, Henry	Saunders, Howard	Wiggin, Allen	

CHESHIRE

Bonneau, Sarah	Cole, Stacey	Foster, Katherine	Hunt, John
Richardson, Barbara	Smith, Edwin		

COOS

Coulombe, Henry	Guay, Lawrence	Horton, Lynn	
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GRAFTON

Adams, Carl	Gordon, Edward	Rose, William	Trelfa, Richard
Wadsworth, Karen	White, Paul		

HILLSBOROUGH

Arnold, Thomas, Jr.	Bergeron, Normand	Calawa, Leon, Jr.	Cowenhoven, Garret
Daniels, Gary	Domaingue, Jacquelyn	Gosselin, Gerald	Healy, Daniel
Jasper, Shawn	Jean, Loren	Kirby, Thomas	Lefebvre, Roland
McRae, Karen	Mercer, Robert	Morello, Michael	Murphy, Robert
Pepino, Leo	Perkins, Paul	Reidy, Frank	Riley, Frances
Searles, Stanley, Sr.	Toomey, Kathryn	Upton, Barbara	Vanderlosk, Stanley
Weergang, Alida	Wells, Peter, Sr.	Wright, George	

MERRIMACK

Hill, Michael	Lockwood, Robert	Nichols, Avis	Shaw, Randall
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Battles, Marjorie	Bell, Juanita	Blake, Daniel	Campbell, Marilyn
Christie, Andrew, Jr.	Clark, Vivian	Cote, Charles	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanders, John, Sr.	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lee, Rebecca	Miller, Don
Noyes, Richard	Packard, Sherman	Pantelakos, Laura	Richards, David
Ritzo, Eugene	Rubin, George	Senter, Marilyn	Smith, Arthur
Splaine, James	Stritch, C. Donald	Vaughn, Charles	Warburton, Calvin
Welch, David	Woods, Deborah		

STRAFFORD

Brown, George	Callaghan, Frank	Hemon, Roland	Pelletier, Arthur
Pelletier, Marsha	Sullivan, Henry	Torr, Ann	

SULLIVAN

Lindblade, Eric	Stamatakis, Carol		
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adopted by the constitutionally required three-fifths and ordered to third reading.

CACR 10, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money.
OUGHT TO PASS

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The concept of a line-item veto has broad bipartisan support. President Clinton supports the idea on the federal level. On the state level, several former governors including Meldrim Thompson and John Sununu have endorsed CACR 10. The Majority of the committee believes that this CACR, if passed by the voters, would help eliminate gridlock. It will also help to simplify and clarify the budgetary process. Vote 12-9.

Rep. Flanagan moved Recommit to Committee and spoke in favor.

Rep. Douglas Hall yielded to questions.

Rep. Warburton spoke to the motion.

Adopted.

CACR 11, relating to summary incarceration in criminal contempt cases. Providing that criminal contempt defendants shall be specifically included in Part I, Article 15 of the New Hampshire constitution. RE-REFER TO COMMITTEE

Rep. Phyllis M. Katsakiores for Constitutional and Statutory Revision: Testimony indicated that there is a case pending before the Supreme Court on the issue of summary criminal contempt. The committee would like the opportunity to review the decision before acting on this CACR. Since the questions would not be on the ballot until 1994, a vote to re-refer will afford the committee a chance to obtain other documentation before taking a final committee vote on CACR 11. Vote 20-0.

Adopted.

CACR 12, relating to citizen-proposed legislation, constitutional amendments and statutory provisions. Providing that citizens of New Hampshire may directly propose legislation and constitutional amendments by initiative petition, and approve or reject statutory provisions by referendum. RE-REFER TO COMMITTEE

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The committee was unwilling at this time to recommend passage of CACR 12. Members felt they needed more time to study various amendments. Vote 21-0.

Adopted.

HB 134, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: Further information received by the committee indicates the bill may compound the problem it was proposed to solve. Further study is needed. Vote 18-0.

Adopted.

HB 271, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws. OUGHT TO PASS WITH AMENDMENT

Rep. Amanda A. Merrill for Environment and Agriculture: This bill addresses the issue of gross mismanagement of hazardous waste. Specifically, the language proposed establishes the felony crime of knowing endangerment i.e., the act of knowingly exposing another person to imminent danger of death or serious bodily injury through the improper handling of hazardous waste. By adopting language on knowing endangerment compatible with federal law, we allow the Department of Environmental Services to retain authorization to administer its highly successful, federally-funded hazardous waste program. The amendment incorporates the suggestions of representatives from the Department of Environmental Services, the Attorney General's office, and the House Corrections and Criminal Justice Committee. Vote 16-2.

Amendment (1346B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that certain deliberate violations of hazardous waste management requirements, where the person responsible for the conduct violating the requirement knows that the conduct will place another in imminent danger of death or serious bodily injury, should be punished more severely than is currently provided for under existing statutes.

2 New Paragraph; Definition. Amend RSA 147-A:2 by inserting after section XII the following new paragraph:

XII-a. "Serious bodily injury" means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body.

3 New Sections; Knowing Endangerment. Amend RSA 147-A by inserting after section 16 the following new sections:

147-A:16-a Knowing Endangerment; Penalties.

I. Any person who treats, stores, transports, causes to be transported, disposes of or otherwise handles any hazardous waste in knowing violation of any material condition or requirement

of such permit or in knowing violation of any material condition or requirement of any applicable regulations or standards and any person who knowingly:

- (a) Transports or causes to be transported any hazardous waste to an unpermitted facility;
- (b) Treats, stores or disposes of any hazardous waste without a permit;
- (c) Omits material information or makes any false material statement or representation in any application, label, manifest, records, report, permit or other document filed, maintained or used for purposes of compliance with regulations promulgated by the division;
- (d) Generates, stores, treats, transports, disposes of, exports or otherwise handles any hazardous waste and who knowingly destroys, alters, conceals or fails to file any record, application, manifest, report or other document required to be maintained or filed for purposes of compliance with regulations promulgated by the division;
- (e) Transports or causes to be transported any hazardous waste without a manifest; or
- (f) Exports a hazardous waste:

- (1) without the consent of the receiving country, or

- (2) where there exists an international agreement between the United States and the government of the receiving country establishing notice, export and enforcement procedures for the transportation, treatment, storage and disposal of hazardous wastes, in a manner which is not in conformance with such agreement and who knew at the time that another person would thereby be placed in imminent danger of death or serious bodily injury shall be guilty of knowing endangerment.

II. A natural person found guilty of knowing endangerment shall be guilty of a class A felony and, notwithstanding the provisions of RSA 651:2, may be fined not more than \$250,000 in addition to any sentence of imprisonment, probation or conditional discharge. Any other person found guilty of knowing endangerment shall be guilty of a felony and subject to a fine of not more than \$1,000,000.

III. In this section, "hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

- (a) Which, because of either quantity, concentration, or physical, chemical or infectious characteristics may:

- (1) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

- (2) pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged; or

- (b) Which has been identified as a hazardous waste by the division of waste management using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended.

147-A:16-b Special Rules Relative to Knowing Endangerment.

I. In determining whether a natural person knew that his or her conduct placed another in imminent danger of death or serious bodily injury, knowledge possessed by another may not be attributed to that person. Circumstantial evidence may be used to prove possession of actual knowledge.

II. In addition to other available affirmative defenses, it is an affirmative defense that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of:

- (a) an occupation, a business or a profession; or

- (b) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person has been made aware of the risks involved prior to giving consent.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill creates the felony crime of knowing endangerment for certain violations of the hazardous waste laws.

Adopted.

Report adopted and ordered to third reading.

HB 279, establishing a committee to examine the effects of phosphorus and phosphorus-based products on the water quality of New Hampshire lakes, ponds, and rivers. RE-REFER TO COMMITTEE

Rep. Jeb E. Bradley and Rep. Amanda A. Merrill for Environment and Agriculture: The sponsor asked that this bill be re-referred so the Environment and Agriculture Committee could study the effect that cleaning products which contain phosphorus have upon the quality of NH bodies of water. It is the intent of the Committee to determine if a ban on phosphorus-based cleaning products is necessary in order to protect water quality in NH. Vote 18-0.

Adopted.

HB 676-FN-L, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: Action on repealing the statutes in this bill is premature pending report of the task force and the other committees considering similar repeals. The subcommittee consulted a constitutional lawyer and there are questions to be considered in greater depth. Vote 18-0.

Rep. Scanlan moved Recommit to Committee and spoke in favor.

Adopted.

HB 178-FN, relative to the procedures of the board of examiners of psychology and mental health practice. RE-REFER TO COMMITTEE

Rep. Sandra K. Dowd for Executive Departments and Administration: The committee felt there were technical difficulties with the bill and wanted more time to study it. Vote 11-1.

Adopted.

HB 395, relative to death with dignity for certain persons suffering terminal illness. RE-REFER TO COMMITTEE

Rep. Edward M. Gordon for Judiciary: This bill addresses a complex issue involving individual choice, medical practices, civil and criminal liability and social policy. The extensive testimony regarding the bill as proposed produced conflicting opinions regarding its potential operation and effect. However, the testimony reflected that the vast majority of people do not wish to suffer pain unnecessarily when faced with a terminal illness. The majority of the committee seeks re-referral so that it might carefully consider whether this universal concern should be addressed through legislation. Vote 14-2.

Rep. Rose moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Re-refer to Committee and spoke in favor.

Rep. Gordon spoke against.

The motion failed.

Report adopted.

HB 407, making technical changes to the laws governing the courts. OUGHT TO PASS WITH AMENDMENT

Rep. Edward M. Gordon for Judiciary: This bill makes several changes to existing law regarding the operation of the court system. These are practical adjustments which were found necessary following last year's omnibus court legislation. The changes address and clarify jurisdictional and procedural matters. Vote 12-1.

Amendment (1926B)

Amend RSA 547:3 as inserted by section 5 of the bill by inserting after paragraph II the following new paragraph:

III. Nothing in this section shall be construed to confer upon the probate court any additional authority over intervivos trusts beyond that authority exercised by the superior court prior to the adoption of this section.

Amend RSA 548:5-a, II(c) as inserted by section 9 of the bill by replacing it with the following:

(c) [Any person beneficially interested, as defined in RSA 550:12] *Any residuary beneficiary, and the director of charitable trusts in cases involving charitable dispositions and trusts.*

Amend the bill by replacing all after section 10 with the following:

11 Probate Courts; Administration of Small Estates. Amend RSA 553:31 to read as follows:

553:31 Administration of Small Estates Not Exceeding [Five Hundred Dollars] **\$500**. If the estate of a deceased person, whether testate or intestate, consists entirely of personal property of a gross value not exceeding [five hundred dollars] **\$500** and after the expiration of [thirty] **30** days from the date of [his] death, no petition under any other section of RSA 553 has been filed, [his] *the* surviving spouse, parent, lineal descendant, brother or sister, or such other person as the judge may think proper, if of legal age and legal capacity and an inhabitant of this state, may file with the probate court in the county in which the deceased was domiciled at the time of [his] *the decedent's* death an affidavit stating that the affiant has undertaken to act as voluntary administrator of such an estate and will administer the same according to law. Such voluntary administrator shall, at the time of filing such affidavit also file a list of heirs, a report of gifts and transfers under RSA 86:22 with the register of probate and with the department of revenue administration, and a true and perfect inventory of the estate of the deceased. The form of this affidavit and the rules governing proceedings under this section shall be prescribed in the manner provided by RSA 547:33. Upon payment of a fee of [three dollars] **\$3** the register of probate shall, if no other petition for administration of such estate is pending, issue an attested copy of the affidavit which shall specify the assets of the estate which the voluntary administrator may collect and which shall constitute sufficient legal authority to all persons owing any money, having custody of any property or acting as register or transfer agent of any evidence of interest, indebtedness, property or right belonging to the estate, as specifically set forth in the affidavit, and to persons purchasing or otherwise dealing with the estate, to make payment or transfer to the affiant with the same effect as if made to a duly appointed personal representative of the deceased person. Out of the assets which the voluntary administrator collects, [he] *the administrator* shall pay debts and expenses in accordance with RSA 554:19. If any balance remains [he] *the voluntary administrator* shall distribute it either according to the will or, if there is no will, to the surviving spouse, if any, and if not, in accordance with RSA [561:6] **561**. The voluntary administrator may not take any fee for [his] services. A voluntary administrator is liable as an executor in [his] *the administrator's* own wrong as provided in RSA 553:17 to all persons aggrieved by [his] *the administrator's* administration, and if letters testamentary or of administration are later granted, then to the rightful executor or administrator. If a personal representative of the deceased person is appointed under any other section of RSA 553, or under any section of RSA 552, the powers of the voluntary administrator shall cease. If the voluntary administrator uncovers further assets of the estate of the deceased person not originally inventoried, and such additional assets when added to those originally inventoried do not exceed [five hundred dollars] **\$500**, [he] *the administrator* may file an amended affidavit, and upon payment of an additional fee of [three dollars] **\$3**, the register of probate shall issue an attested copy of such amended affidavit setting forth such additional assets, which amended affidavit shall have the same force and effect as the original affidavit as hereinabove specified. *A voluntary administrator appointed under this section shall render a statement of administration and the estate shall be closed no earlier than 90 days nor later than 6 months from the date of the administrator's appointment. No disbursement from the estate shall be made until the account is approved.*

12 Probate Courts; Administration of Small Estates. Amend RSA 553:31-a to read as follows:

553:31-a Administration of Small Estates Over [Five Hundred Dollars] **\$500**. If the estate of a person deceased, whether testate or intestate, consists entirely of personal property of a gross value exceeding \$500 but not exceeding \$5,000, and the will has been allowed or no petition under any other section of RSA 553 or any section under RSA 552 has been filed, the right to administer shall be in the executor named in the will or as set forth in RSA 553:2 upon such person filing with the probate court in the county in which the deceased was domiciled at the time of [his] death an affidavit stating that the affiant has undertaken to act as executor or voluntary administrator of such an estate and will administer the same according to law. Such executor or voluntary administrator shall, at the time of filing such affidavit, also file a personal bond without sureties, a list of heirs, a report of gifts and transfers under RSA 86:22 with the register of probate and with the department of revenue administration, and a true and perfect inventory of the estate of the deceased, which shall be incorporated into the affidavit. The form of this affidavit and the rules governing proceedings under this section shall be prescribed in the manner

provided by RSA 547:33. Upon approval of the probate court and payment of a fee of \$5 the register of probate shall, if no other petition for administration is pending, issue an attested copy of the affidavit which shall constitute sufficient legal authority to all persons owing any money, having custody of any property or acting as register or transfer agent of any evidence of interest, indebtedness, property or rights belonging to the estate and to persons purchasing or otherwise dealing with the estate, to make payment or transfer to the affiant with the same effect as if made to a duly appointed representative of the deceased person. In the case of executors of small estates, as defined herein, the provisions of this section shall apply in place of those otherwise applicable. Out of the assets which the executor or voluntary administrator collects, [he] *the administrator* shall pay debts and expenses in accordance with RSA 554:19. If any balance remains [he] *the voluntary administrator* shall distribute it either according to the will or, if there is no will, to the surviving spouse, if any, and if not, in accordance with RSA [561:6] *561*. The executor or voluntary administrator may not take any fee for [his] services. A voluntary administrator is liable as an executor in his *or her* own wrong as provided in RSA 553:17 to all persons aggrieved by [his] *the administrator's* administration, and if letters testamentary or of administration are later granted then to the rightful executor or administrator. If a personal representative of the deceased person is appointed under any other section of RSA 553, or under any section of RSA 552, the powers of the voluntary administrator shall cease. An executor or voluntary administrator appointed under this section shall render a statement of [his] administration [not later] *and the estate shall be closed no earlier than 90 days nor later than 6 months* from the date of [his] *the administrator's* appointment. *No disbursement shall be made from the estate until the account is approved.*

13 Probate Courts; Administrator; Inventory. Amend RSA 554:1 to read as follows:

554:1 Inventory. Every administrator, within 3 months after appointment, shall return to the probate office, under oath, a full, true and itemized account of all the estate of the deceased which has come to his knowledge. The inventory shall contain a description of the real estate; a correct schedule of all goods, chattels, stocks, bonds and other effects of the deceased; of all notes, with their dates and terms of payment, and the date and amount of each endorsement thereon; of all deposits in savings banks, with the name and location of each bank, the number of each book, the date of the last dividend, and the whole amount then due thereon less any withdrawals since that date; and a list and description of his other written evidences of debt. If any person claims a present legal or equitable right of title to real or personal property [listed] in the estate of the deceased, the administrator may petition the probate court pursuant to RSA 547:11-b to determine the question as between the parties.

14 Reference to Merrimack Superior Court Deleted. Amend RSA 265:91-d to read as follows:

265:91-d Appeal. Any person aggrieved by a decision of the department under this section, after the administrative review or hearing, may appeal the decision as provided in RSA 263:75. [Notwithstanding any provision of RSA 263:75 to the contrary, such appeal shall be to the Merrimack county superior court.]

15 Annual Accounting of Guardian of the Estate. Amend the introductory paragraph of RSA 464-A:36, I to read as follows:

I. *Subject to the provisions of RSA 464-A:26, VI*, a guardian of the estate shall file an account annually under oath with the court within 90 days after the anniversary date of the guardian's appointment as such guardian. The account shall contain:

16 Disposal of Unclaimed and Abandoned Property by Police Departments and Courts. Amend RSA 471-C:15-a to read as follows:

471-C:15-a Disposal of Unclaimed Property by Police Departments *and the Courts*. Notwithstanding any law to the contrary[,]:

I. A police department which is holding lost or abandoned property subject to this chapter may dispose of it in accordance with procedures established by the attorney general; *and*

II. A court which is holding lost, abandoned, or unclaimed property subject to this chapter may dispose of it in accordance with procedures established by the supreme court.

17 Appeals from Sentence. Amend RSA 502-A:12 to read as follows:

502-A:12 Appeals from Sentence. A person sentenced by a district court for a class A misdemeanor [or for any offense which provides the basis for enhanced penalties if the offender is subsequently convicted of the same offense] may appeal therefrom to the superior court as provided in RSA 599, *except as modified in accordance with the pilot program in 1992, 223.*

18 Criminal Cases; Witness Fees. Amend RSA 592-A:12 to read as follows:

592-A:12 Payment of Witnesses in Criminal Cases. Any person who attends any court for the state pursuant to subpoena shall be paid the witness fees provided by RSA 516:16. It shall be the duty of the clerk of court to maintain a register of all persons who have been required to attend court for the state *as certified by the prosecutor*. From this register the [clerk of court] state shall pay all witness fees at least monthly to all persons who are entitled to such fees as appears by said register. [The payment of such witness fees shall follow procedures established by the supreme court.]

19 Records Required.

Amend RSA 599:1-c to read as follows:

599:1-c Records Required.

I. Any person charged with any violation [which does not provide a basis for enhanced penalties for subsequent convictions for the same offense or who is charged with any other offense which might result in a conviction for a violation which does not provide a basis for enhanced penalties for subsequent convictions for the same offense] *or class B misdemeanor* may, at least 5 days prior to trial, request the district or municipal court that a sound recording be kept of all proceedings in his trial. If such a request is made, the district or municipal court shall make the sound recording at no cost to the person requesting it.

II. A person sentenced by a district or municipal court for a violation [which does not provide a basis for enhanced penalties for subsequent convictions for the same offense] *or class B misdemeanor* may, at the time the sentence is declared or within 30 days thereafter, appeal therefrom to the supreme court. On any such appeal, the district or municipal court shall, at no cost to the person, provide to the supreme court the sound recording requested under paragraph I.

20 "Class A" Added. Amend RSA 604-A:2, I to read as follows:

I. In every criminal case in which the defendant is charged with a felony or a *class A* misdemeanor and appears without counsel, the court before which he appears shall advise the defendant that he has a right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives the appointment of counsel, if the defendant indicates to the court that he is financially unable to obtain counsel, the court shall instruct the defendant to complete a financial affidavit in such form as designated by the unit of cost containment. If after review of the financial affidavit and application of the rules established pursuant to RSA 604-A:10, IV the commissioner of administrative services, is satisfied that the defendant is financially unable to obtain counsel, the court shall appoint counsel to represent him; provided, however, that in any case in which the defendant is charged with a capital offense, the court may appoint 2 counsel to represent him. Whenever defendants have such conflicting interests that they cannot be properly represented by the same counsel, or when other good cause is shown, the court shall appoint separate counsel for each of them.

21 Effective Date. This act shall take effect January 1, 1994.

Amend the bill by deleting section 2 and renumbering the original sections 3-21 to read as 2-20, respectively.

AMENDED ANALYSIS

This bill updates laws governing the jurisdiction and procedures of the probate courts.

The bill also:

- (a) Removes a time constraint on the department of safety regarding the preparation of a master jury list.
- (b) Makes a change in the reporting date for the administrative office of the courts' review of the court modernization fund.
- (c) Clarifies that the state pays witness fees in criminal cases.
- (d) Makes certain changes in the law required by last year's reclassification of misdemeanors as class A and class B.

Adopted.

Report adopted and ordered to third reading.

HB 146-FN-L, extending unemployment benefits to certain school employees between academic years. **INEXPEDIENT TO LEGISLATE**

Rep. Neil Young for Labor, Industrial and Rehabilitative Services: This bill would have provided unemployment compensation benefits to certain school employees who are off work for the summer. It would have increased state, county, and local expenditures. Vote 11-5. Adopted.

HB 164, relative to premiums paid for workers' compensation. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Gary L. Daniels for the Majority of Labor, Industrial and Rehabilitative Services: This bill, along with its managed care companion bill, House Bill 606 (which has already been passed by this body), is the vehicle by which New Hampshire employers will see their worker's compensation rates lowered. This will be accomplished by establishing a time limit for filing a claim with the Department of Labor after a claim has been denied by the insurance carrier or self-insurer, changing the cap on average weekly wages for temporary total disability and permanent total disability payments, clarifying the lump sum payment procedures, adding a safety inspection procedure and a safety enhancement program and establishing an insurance fraud investigation unit. Vote 9-7.

Reps. Jay Ward, Claudette Jean, Theresa Drabinowicz, Francis Laughlin, Amy Bagley, Edgar Mears and Lorraine Palmer for the Minority of Labor, Industrial and Rehabilitative Services: The Minority recognizes that there are some problems with the workers' compensation system and believes the best way to lower the expenses of workers' compensation is to reduce injuries and eliminate fraud and abuse in the system. In contrast to the Majority's version of HB 164 that reduces benefits and erodes the rights of employees injured on the job, the Minority amendment to HB 164 focuses on preventing injuries and fraud while preserving protection for injured workers and their families.

Both the Minority and Majority amendments to HB 164 include the following workers' compensation reforms: 1) Establish an insurance fraud investigation unit within the department of insurance to investigate charges of workers' compensation fraud and develop and implement programs to prevent fraud and abuse; 2) Establish a safety inspection program to ensure on-site workplace inspections and to provide reports relative to the safety conditions at the jobsite and recommendations to improve such conditions; 3) Reform the hearing process; and 4) Correct abuses in lump sum payments.

The Minority believes that the Majority amendment, which reduces the benefits for injured workers and limits the right of injured workers to be represented by counsel, raises constitutional questions and is contrary to the original intent of workers' compensation law.

Rep. Jay Ward moved that the Minority report be substituted for the Majority report and spoke in favor.

(Rep. Michael Hill in the Chair)

Reps. Daniels and Turner spoke against.

Reps. Laughlin and Barberia spoke in favor.

(Speaker Burns in the Chair)

Rep. William McCann requested a quorum count. The Speaker declared a quorum present.

Rep. Trombly spoke in favor.

Rep. Hawkins spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 133

NAYS 211

**YEAS 133
BELKNAP**

Salatiello, Thomas

CARROLL

Mock, Henry

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Richardson, Barbara
Young, David

Burnham, Daniel
Kingsbury, H. Thayer
Riley, William

Champagne, Richard
Lynch, Margaret
Robertson, Timothy

DePecol, Benjamin
McGuirk, Paul
Russell, Ronald

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Guay, Lawrence
Wiswell, James

Hawkinson, Marie

GRAFTON

Below, Clifton
Guest, Robert

Copenhaver, Marion
Ham, Bonnie

Croy, Elizabeth
Nordgren, Sharon

Gordon, Edward

HILLSBOROUGH

Ackerman, Philip
Bergeron, Lucien
Daigle, Robert
Foster, Linda
Haettenschwiller, Alphonse
Jean, Claudette
Laughlin, J. Francis
Mittelman, David
Paquette, Rodolphe
Reidy, Frank
Soucy, Richard

Allen, W. Gordon
Bergeron, Normand
Donovan, Francis
Gage, Ruth
Hall, Betty
Johnson, Lionel
Lown, Elizabeth
Morrisette, Roland
Pepino, Leo
Smart, John
Toomey, Kathryn

Asselin, Robert
Buckley, Raymond
Drabinowicz, A. Theresa
Gosselin, Gerald
Hanselman, Gregory
Kirby, Thomas
Lozeau, Donnalee
Murphy, Robert
Philbrook, Paula
Smith, Leonard
Turgeon, Roland

Bagley, Amy
Crotty, Edward
Dwyer, Patricia
Greenberg, Gary
Hart, Nick
L'Heureux, Robert
Martin, Mary Ellen
O'Rourke, Joanne
Plourde, Alphonse
Soucy, Donna
White, John

MERRIMACK

Barberia, Richard
French, Barbara
Owen, Derek
Trombly, Rick

Braiterman, Thea
Houlahan, Thomas
Pfaff, Terence
Wallner, Mary Jane

Daneault, Gabriel
Johnson, Joyce May
Regan, Maurice
Ward, Jay

Dunn, Miriam
Newland, Matthew
Soldati, Jennifer
Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Coes, Betsy
McGovern, Cynthia
Schanda, Joseph, Sr.
Vaughn, Charles

Bell, Juanita
Gage, Beverly
Newman, Rick
Splaine, James

Caswell, Albert, Jr.
Gorman, Donald
Ritzo, Eugene
St. Martin, Tommy

Clark, Martha
Kane, Cecelia
Rosencrantz, James
Syracusa, Anthony

STRAFFORD

Brown, George
Hashem, Elaine
Lundborn, Raymond
Pageotte, Donald
Snyder, Clair

Chagnon, Ronald
Hemon, Roland
McCann, William, Jr.
Pelletier, Arthur
Vincent, Francis

Dunlap, Patricia
Hilliard, Dana
McGrath, J. Gregory
Pelletier, Marsha
Wall, Janet

Gilmore, Gary
Keans, Sandra
Merrill, Amanda
Rogers, Rose Marie
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Flint, Gordon
Stamatakis, Carol

Holl, Ann

**NAYS 211
BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph

Cain, Thomas
Hauck, William
Lafam, Robert
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Ziegler, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Manning, Joseph
Royce, H. Charles

Cole, Stacey
Metzger, Katherine
Smith, Edwin

Delano, Robert
Pearson, Gertrude

Hunt, John
Perry, David

COOS

Foss, Frederic

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

GRAFTON

Adams, Carl
Chase, Paul, Jr.
LaMott, Paul
Teschner, Douglass

Brown, Alson
Dow, David
Larson, Nils, Jr.
Trelfa, Richard

Brown, Channing
Driscoll, William
Rose, William
Wadsworth, Karen

Brown, Patricia
Hill, Richard
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Daniels, Gary
Durham, Susan
Ferguson, Charles
Healy, Daniel
Hunter, Bruce
Kelley, Robert
McCann, Bonnie
Mercer, Robert
Morello, Michael
Rheault, Lillian
Seartes, Stanley, Sr.
Wells, Peter, Sr.

Amidon, Eleanor
Borsa, Andrew
Cepaitis, Elizabeth
Desrosiers, William
Dyer, Merton
Fields, Dennis
Holden, Carol
Jasper, Shawn
Lachut, Ervin
McCarty, Winston
Messier, Irene
Packard, Bonnie
Riley, Frances
Tate, Joan
Wheeler, Robert

Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Franks, Suzan
Holley, Sylvia
Jean, Loren
Lefebvre, Roland
McNemey, Daniel
Milligan, Robert
Perkins, Paul
Rothhaus, Finlay
Upton, Barbara
Wright, George

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Drolet, Paul
Fenton, James
Gagnon, Eugene
Holt, David
Kelley, Dana
Lessard, Rudy
McRae, Karen
Moncrief, Keith
Peters, Stanley
Sargent, Maxwell
Weergang, Alida

MERRIMACK

Buessing, Marjorie
Feuerstein, Martin
Hill, Michael
Lockwood, Robert
Teague, Bert
Willis, Jack

Carter, Susan
Fillion, Paul
Holmes, Mary
Nichols, Avis
Weeks, John, Jr.

Chandler, Earle
Gilbreth, Robert
Kidder, William
Shaw, Randall
Whalley, Michael

Chandler, John
Hall, Douglas
Langer, Ray
Stapleton, Henry
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Chester, Sherman
Cote, Charles
Dowling, Patricia
Fesh, Robert
Groves, Bonnie
Katsakiores, George
Kruse, Fred
Miller, Don
Pulman, Robert
Rubin, George

Arndt, Janet
Bove, Martin
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Senter, Marilyn

Beaulieu, Jon
Buco, Stephen
Clark, Vivian
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Hurst, Sharleene
Klemarczyk, Thaddeus
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Skinner, Patricia

Blake, Daniel
Campbell, Marilyn
Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pantelakos, Laura
Richards, David
Smith, Arthu

Stone, Joseph
Warburton, Calvin
Woods, Deborah

Stritch, C. Donald
Welch, David
Yennaco, Carol

Sytek, Donna
Weyler, Kenneth

Sytek, John
Williamson, William

STRAFFORD

Douglass, Clyde
Spear, Barbara
Wasson, Richard

Knowles, William
Torr, Ann

McKinley, Robert
Torr, Franklin

Nehring, William
Torr, Ralph

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Lindblade, Eric

Peyron, Fredrik

and the motion failed.

Majority Amendment (1874B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Time Limitation for Filing Claim After Denial. Amend RSA 281-A by inserting after section 21-a the following new section:

281-A:21-b Time Limitation for Contesting Denial of Benefit. When compensation for disability, medical benefits, or death benefits have been denied by the insurance carrier or self-insurer, a claim for such benefits shall be barred unless the claimant, in writing, requests a hearing to contest the denial within 60 days after the claimant receives notice of the denial. The notice of denial shall contain clear warning of the time limitation and procedures for contesting the denial. Any person who was prevented from filing a written request for a hearing in accordance with this section through mistake, accident, or misfortune and not through the person's own neglect may petition the commissioner to be allowed to file a claim. Such petition shall be in writing and shall set forth the petitioner's claim and the cause for the delay.

2 Average Weekly Wage for Temporary Total Disability. Amend RSA 281-A:28, II and III to read as follows:

II. If an employee's average weekly wage is over 40 percent of the state's average weekly wage, weekly compensation shall be 66-2/3 percent of that employee's average weekly wage or 40 percent of the state's average weekly wage, whichever is greater, but in no event shall weekly compensation exceed [150] **100** percent of the state's average weekly wage rounded off to the nearest dollar as the commissioner determines for the year in which the injury occurred. In no event shall the maximum weekly compensation rate exceed 100 percent of the employee's after tax weekly earnings as determined under RSA 281-A:15. For purposes of this section, the department of employment security shall establish the state's average weekly wage for the immediate preceding calendar year to be effective the following July 1.

III. Notwithstanding the provisions of RSA 281-A:26, 28, 29, and 32, the compensation of persons who regularly operate businesses or practice their trades, professions, or occupations as provided by RSA 281-A:2, VI shall be computed on the basis of 80 percent of their average weekly salary, but no more than [150] **100** percent of the state's average weekly wage. The state's insurance commissioner is hereby authorized to review and approve an appropriate classification for the foregoing class of persons and a reasonable rate, if the commissioner chooses to do so.

3 Average Weekly Wage for Permanent Total Disability. Amend RSA 281-A:28-a, II to read as follows:

II. If an employee's average weekly wage is over 40 percent of the state's average weekly wage, weekly compensation shall be 66-2/3 percent of the employee's average weekly wage or 40 percent of the state's average weekly wage, whichever is greater, but in no event shall weekly compensation exceed [150] **100** percent of the state's average weekly wage rounded off to the

nearest dollar as determined by the commissioner for the year in which the injury occurred. In no event shall the weekly compensation rate exceed 100 percent of the employee's after tax weekly earnings as determined pursuant to RSA 281-A:15. For the purposes of this section, the state's average weekly wage shall be established by the department of employment security for the immediately preceding calendar year to be effective the following July 1.

4 Lump Sum Payments. RSA 281-A:37 is repealed and reenacted to read as follows:
281-A:37 Lump Sum Payments.

I. Where there has been a determination of compensability by the employer, the employer's insurance carrier, the commissioner, the commissioner's designated representative or the board, and where the best interests of all concerned will be served, lump sum agreements may be approved by the commissioner. Nothing in this section shall prohibit the employer or the employer's insurance carrier from making a determination of compensability at any time.

II. In no event shall the medical provisions of this chapter be lump summed. The costs of vocational rehabilitation services as provided in RSA 281-A:25 may be lump summed provided the lump sum agreement specifically sets forth the portion of the lump sum amount attributable to vocational rehabilitation services. Such sum shall be held in escrow by the employer or insurance carrier and shall be paid to the provider of the vocational rehabilitation services for services incurred by the claimant. Any lump sum agreement which proposes to include the costs of vocational rehabilitation service shall also specify the nature of the vocational rehabilitation services to be provided to the claimant and shall require the claimant to commence such vocational rehabilitation services within 6 months of the approval of the agreement. The employer and the insurance carrier shall not be liable for vocational rehabilitation services incurred if the claimant fails to commence use of vocational rehabilitation services within 6 months after approval of the lump sum agreement, unless the period is extended by the commissioner for good cause.

III. No lump sum agreement shall be approved under this section except after a hearing before the commissioner or the commissioner's designated representative.

IV. Any lump sum payment which does not comply with this section shall not be included in data filed with the insurance department for ratemaking purposes nor shall it affect the employer's experience modification factor.

5 Hearings and Awards. Amend RSA 281-A:43, I(a) to read as follows:

I.(a) In a controversy as to the responsibility of an employer or the employer's insurance carrier for the payment of compensation and other benefits under this chapter, any party at interest may petition the commissioner in writing for a hearing and award. The petition shall be sent to the commissioner at the department's offices in Concord and shall set forth the reasons for requesting the hearing and the questions in dispute which the applicant expects to be resolved. The commissioner or the commissioner's authorized representative shall schedule a hearing, either in Concord or at a location nearest the employee as determined by the commissioner, by fixing its time and place and giving notice at least 14 days prior to the date for which it is scheduled. The hearing date shall be set for a time not to exceed 6 weeks from the date the petition was received. In those instances where an expedited hearing is requested, the petition for hearing shall set forth the facts in sufficient detail to support the request for an expedited hearing. The commissioner, or his authorized agent shall, in his discretion, determine whether the need exists for an expedited hearing. Any requests for an expedited hearing shall be periodically reviewed by the commissioner to determine whether such requests are given proper attention. The commissioner shall also identify any over-utilization by the requesting parties and responses given to such requests by the commissioner. An annual report of the expedited requests, responses, the number of continuances, the reasons for such continuances, the number of requests for hearing, and the time within which the hearings were held shall be made annually to the advisory council established in RSA 281-A:62. The notice shall be given in hand or by certified mail, return receipt requested. Continuances of any hearing are discouraged; however, should a continuance be necessary, the parties requesting such continuance shall file with the department a written petition for such continuance at least 7 days prior to the hearing. Failure to file such a petition shall bar any right to a continuance. Thereafter, a continuance may only be granted upon the commissioner's finding that a compelling need exists so as to require a continuance. [At such hearing, full consideration shall be given to all evidence presented, and it shall be incumbent

upon all parties to present all available evidence.] *At such hearing, the person conducting the hearing shall give full consideration to all evidence presented. In addition, the person conducting the hearing shall freely and comprehensively examine all witnesses to determine the merits of the matter. Also, the person conducting the hearing may recess the hearing to a date certain and direct the parties, or either of them, to provide such further information that may be necessary to decide the matter.* No later than 30 days after the hearing, the commissioner or the commissioner's authorized representative shall render a decision and shall forthwith notify the parties of it. When appropriate, the commissioner, or his authorized representative, may render a decision at the hearing. Unless excused for good cause shown, failure of any or all parties at interest to appear at a duly scheduled hearing or to petition for a continuance shall bar such parties from any further action concerning an adverse decision, a decision by default, or a dismissal of a petition for hearing and award.

6 New Subparagraphs; Notice to Employer Required. Amend RSA 281-A:43, I, by inserting after subparagraph (c) the following new subparagraphs:

(d) Within 7 days of receipt of a notice of hearing under subparagraph I(a) or I(b), the insurance carrier or group-funded self insurance plan shall mail a copy of such notice to the affected employer. The commissioner may assess a civil penalty of up to \$2,500 on any insurance carrier or group-funded self insurance plan which fails, without sufficient cause as determined by the commissioner, to comply with the provisions of this subparagraph. All funds collected under this subparagraph shall be paid over to the state treasurer for deposit into the general fund.

(e) Any request for the cancellation or continuance of a hearing to be held under subparagraph I(a) or I(b) shall be filed in writing with the commissioner at least 7 days prior to the date of the hearing. Failure to file such a request in writing at least 7 days prior to the date of the hearing may result in a civil penalty of up to \$500 on the party requesting such cancellation or continuance in the case of a hearing under subparagraph I(a) or I(b). No civil penalty shall be levied against any party whose request for cancellation or continuance has been denied or whose request was granted for compelling need.

7 New Paragraph; Representation at Hearings. Amend RSA 281-A:43 by inserting after paragraph II the following new paragraph:

III. Any party to a hearing under subparagraph I(a) may be represented by legal counsel or an insurance adjuster, either upon the express agreement of all parties to such hearing or for good cause shown as established to the satisfaction of the commissioner.

8 New Sections; Safety Inspections; Safety Enhancement Program. Amend RSA 281-A by inserting after section 65 the following new sections:

281-A:66 Safety Inspections.

I. Upon payment of a second claim for indemnity benefits, resulting from injuries incurred at any single work premises during any one policy year, the insurer making such payments shall conduct an on-site inspection of such premises within 60 days of such payment. Within 30 days of the inspection, such insurer shall submit a written report of such inspection to the employer and the labor commissioner including in the report any significant findings relative to the safety of working conditions at the premises and any recommendations designed to improve such conditions. However, no insurer shall be required to make more than one such inspection within any 365-day period.

II. Each recommendation contained in the written report required under paragraph I shall, unless otherwise ordered by the commissioner, be implemented by the employer within 30 days of its submission. Failure to implement any such recommendation shall result, upon determination by the commissioner, in a safety enhancement surcharge of up to 10 percent of such employer's annual workers' compensation premium as determined by the commissioner.

III. All funds collected under paragraph II shall be paid over to the treasurer for deposit in a special fund, called the workers' compensation safety inspection fund, which shall be used for those purposes set forth in RSA 281-A:67. At the end of each fiscal year any sum in the fund in excess of \$100,000 shall lapse to the general fund.

IV. The commissioner may assess a civil penalty of up to \$2,500 on any insurance carrier who fails, without sufficient cause as determined by the commissioner, to comply with the provisions of paragraph I. Moneys collected under this paragraph shall be paid over to the state treasurer for deposit in the general fund.

V. The obligations imposed in paragraph I shall not be construed to provide a basis for any liability for damages on the part of any insurer or any agent, servant or employee thereof, arising out of alleged performance or non-performance of such obligations.

281-A:67 Safety Enhancement Program.

I. There is hereby established a safety enhancement program to be administered by the commissioner. Such program shall include regional training and safety seminars open to those employers whose annual workers' compensation premium is less than \$25,000.

II. The commissioner may engage independent consultants to assist him in the performance of those duties described in paragraph I, subject to the availability of funds maintained by the treasurer in the safety inspection fund established in RSA 281-A:66, III.

9 New Subdivision; Fraud Investigation Unit Established. Amend RSA 417 by inserting after section 22 the following new subdivision:

Insurance Fraud Investigation Unit

417:23 Insurance Fraud Investigation Unit Established. There is established in the department of insurance the insurance fraud investigation unit. The unit shall assist the commissioner in administratively investigating allegations of insurance fraud and in developing and implementing programs to prevent insurance fraud and abuse. The unit shall promptly notify the attorney general of any insurance application, claim, or activity which involves criminal conduct. When required by the commissioner and the attorney general, the unit shall cooperate with the attorney general in the investigation and prosecution of criminal violations.

417:24 Staff. The commissioner shall appoint 3 full-time, classified personnel who shall be qualified by training and experience to perform the duties of their positions.

417:25 Attorney General. When requested by the commissioner, the attorney general may assign an assistant attorney general to assist the unit in the performance of its duties.

10 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after (zz) the following new subparagraph:

(aaa) Moneys collected for surcharges under RSA 281-A:66, II which shall be credited to the workers' compensation safety inspection fund established in RSA 281-A:66, III.

11 Effective Date of Medical Fee Schedule Changed. Amend 1990, 254:48, I to read as follows:

I. RSA 281-A:24, I as amended by section 15 of this act shall take effect [July 1, 1993] *January 1, 1995*.

12 Applicability of Certain Sections Changed. Amend 1990, 254:47, I, to read as follows:

I. RSA 281-A:24, I as amended by section 15 of this act shall apply to all medical and rehabilitative care administered on or after [July 1, 1993] *January 1, 1995*.

13 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

The bill establishes a time limit for filing a claim with the department of labor after the claimant receives notice that claim has been denied by the insurance carrier or self-insurer.

This bill changes the cap on average weekly wages for temporary total disability and permanent total disability payments. The bill clarifies the lump sum payment procedure.

The bill adds a safety inspection procedure for certain work sites and establishes a safety enhancement program.

The bill also establishes an insurance fraud investigation unit administered by the insurance commissioner with the assistance of the attorney general.

Adopted.

Report adopted and referred to Appropriations.

HB 513, establishing a uniform employment termination act. **INEXPEDIENT TO LEGISLATE**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill would take away the flexibility of employers to adjust to the economic environment, remove New Hampshire's employment-at-will status, increase lawsuits against employers, add burden to the Labor Department, and require severance pay far beyond those typically offered by employers. It would be a major roadblock to business expansion in the state, not only deterring companies from coming to New Hampshire, but also causing some companies to leave the state or go out of business. Vote 10-6.

Adopted.

HB 612-FN-L, relative to changes in the maximum weekly benefit amount for unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: This bill makes adjustments to the weekly benefit amount for unemployment compensation. The current formula according to DES was convoluted and needed adjustment, which had not been addressed since 1986. This bill will bring the benefit level in line with the current wage level. Vote 12-2.

Amendment (1875B)

Amend RSA 282-A:25, I as inserted by section 2 of the bill by replacing it with the following:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of 2 calendar quarters he must have earned not less than \$1,200, as follows:

<i>Annual Earnings of Not Less Than</i>	<i>Maximum Weekly Benefit Amount</i>	<i>Maximum Benefits</i>
\$ 2,800	\$ 32	\$ 832
3,000	35	910
3,200	37	962
3,400	39	1,014
3,600	42	1,092
3,900	45	1,170
4,200	48	1,248
4,500	52	1,352
4,800	55	1,430
5,100	59	1,534
5,400	62	1,612
5,700	[66] 65	[1,716] 1,690
6,000	[69] 68	[1,794] 1,768
6,300	[73] 72	[1,898] 1,872
6,600	[76] 75	[1,976] 1,950
7,000	[81] 80	[2,106] 2,080
7,400	[85] 83	[2,210] 2,158
7,800	[90] 88	[2,340] 2,288
8,200	[93] 92	[2,418] 2,392
8,600	[98] 96	[2,548] 2,496
9,000	[102] 101	[2,652] 2,626
9,500	[108] 105	[2,808] 2,730
10,000	[112] 110	[2,912] 2,860
10,500	[116] 115	[3,016] 2,990
11,000	119	3,094
11,500	123	3,198
12,500	131	3,406
13,500	137	3,562
14,500	142	3,692
15,500	146	3,796
16,500	152	3,952
17,500	159	4,134
18,500	166	4,316
19,500	173	4,498
20,500	178	4,628
21,500	183	4,758
22,500	[188] 190	[4,888] 4,940
23,500	[192] 196	[4,992] 5,096
24,500	[196] 200	[5,096] 5,200
25,500	204	5,304

Adopted.

Report adopted and ordered to third reading.

HB 507-L, requiring a super majority vote in certain matters of spending and taxation. **INEX-PEDIENT TO LEGISLATE**

Rep. Miriam D. Dunn for Legislative Administration: Although the intent of the bill is to "watchdog" legislative action on money matters, even with the amendment limiting bills to new taxes, statutory fees, state bonding, the requirement for a two-thirds vote of both the House and Senate on each bill would seriously delay action on the floor. Divisions or roll call votes would have to be taken to ascertain each two-thirds vote. Vote 9-2.

Adopted.

HB 633, repealing inactive study committees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Miriam D. Dunn for Legislative Administration: This bill "sunssets" legislative study committees on the date the committee reports are due. When no report date is specified, "sunset" date is the first Wednesday prior to the next legislative session. The amendment also lists current committee extension dates. Vote 14-0.

Amendment (1923B)

Amend the title of the bill by replacing it with the following:

AN ACT

repealing inactive study committees and extending the reporting date for certain study committees.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Sunset Date for Legislative Study Committees. Amend RSA 14 by inserting after section 48 the following new subdivision:
Legislative Study Committees

14:49 Sunset Date for Legislative Study Committees.

I. The statutory authorization for every study committee which is established by the general court shall be repealed on the date on which the committee is required to file its report. In the event that there is no report date, the statutory authorization for the study committee shall be repealed at 12:01 a.m. on the first Wednesday of December in the even-numbered year prior to the beginning of the legislative session.

II. The provisions of paragraph I shall not apply only if:

(a) The general court in a subsequent legislative session specifically extends the effective date upon which the study committee shall complete its duties; or

(b) The study committee has no effective date upon which it shall complete its duties and is specifically authorized to make reports on a continuing basis either annually or more frequently.

2 Date Extended for Committee to Study Effects of Substance Abuse. Amend 1992, 205:4 to read as follows:

205:4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the [1993] **1994** legislative session, to the president of the senate, the speaker of the house and the governor on or before November 1, [1992] **1993**.

3 Date Extended for Committee to Study a Statewide Trauma Care System. Amend 1990, 99:4, II as amended by 1991, 14:4 to read as follows:

II. The committee shall report its findings and recommendations to the speaker of the house, the president of the senate and the governor no later than November 1, [1992] **1993**, with any proposed legislation for the [1993] **1994** legislative session.

4 Date Extended for Law Enforcement and Prosecutor Training Task Force. Amend 1992, 110:4 to read as follows:

110:4 Report. The committee shall make a report of its findings and recommendations to the attorney general and to the police standards and training council no later than November 1, [1992] **1993**. The attorney general and the police standards and training council shall file a report, including a record of steps taken to implement the task force's recommendations, implementation plans, and recommendations for legislation, with the president of the senate, the speaker of the house and the governor no later than December 31, [1992] **1993**.

5 Date Extended for Committee to Study Head Injury Cases. Amend 1992, 87:4 to read as follows:

87:4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the [1993] **1994** legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, [1992] **1993**.

6 Date Extended for Committee on Gender Equity in Sports. Amend 1991, 267:3, V as amended by 1992, 84:2 to read as follows:

V. The committee shall report its findings to the governor, the senate president, and the speaker of the house on or before November 1, [1992] **1993**.

7 Date Extended for Committee to Clarify Relationship between Town Legislative Bodies and Governing Bodies. Amend 1992, 152:3, II to read as follows:

II. The committee shall report its findings along with its recommendations for legislation on or before November 1, [1992] **1993**, to the senate president and the speaker of the house.

8 Date Extended for Committee on In-Home Services Pilot Program. Amend 1992, 276:4 to read as follows:

276:4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the [1993] **1994** legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, [1992] **1993**.

9 Date Extended for Alternate Transportation Study Advisory Committee. Amend 1991, 191:2, V to read as follows:

V. The committee shall submit a report to the governor and council, the president of the senate, and the speaker of the house [in time for preparation of legislation for the 1993] **no later than November 1, 1993, together with any proposed legislation, for the 1994 legislative session**.

10 Date Extended for Committee to Study Relationship between Legislative Bodies and Governing Bodies Relative to Budgetary Matters. Amend 1992, 152:3, II to read as follows:

II. The committee shall report its findings along with its recommendations for legislation on or before November 1, [1992] **1993**, to the senate president and the speaker of the house.

11 Date Extended. Amend 1992, 87:4 to read as follows:

87:4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the [1993] **1994** legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, [1992] **1993**.

12 Date Extended. Amend 1992, 205:4 to read as follows:

205:4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the [1993] **1994** legislative session, to the president of the senate, the speaker of the house and the governor on or before November 1, [1992] **1993**.

13 Former Members to Serve. To the extent possible, the committee members appointed pursuant to 1992, 205:1 shall continue to serve on the committee until November 1, 1993.

14 Extending Filing Dates. Amend 1991, 267:3, V as amended by 1992, 84:2 to read as follows:

V. The committee shall report its findings to the governor, the senate president, and the speaker of the house on or before November 1, [1992] **1993**.

15 Effective Date.

I. Section 1 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that the statutory authorization for every study committee which is established by the general court shall be repealed on the date on which the committee is required to file its report. In the event that there is no report date, the statutory authorization for the study committee shall be repealed at 12:01 a.m. on the first Wednesday of December in the even-numbered year prior to the beginning of the legislative session. The bill adds an exception for study committees which are specifically authorized to make reports on a continuing basis either annually or more frequently.

The bill also extends the reporting dates for certain house and senate study committees to November 1, 1993.

Rep. Dunn yielded to questions.

Adopted.

Report adopted and ordered to third reading.

HB 686, relative to legislative review of proposed administrative rules. RE-REFER TO COMMITTEE

Rep. Cynthia A. McGovern for Legislative Administration: The committee discovered that there are several very interested parties looking at this bill. Consequently, the committee felt the bill should be studied further. Vote 11-0.

Adopted.

HB 25-A, Making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Gene C. Chandler for Public Works: House Bill 25-A is the Capital Budget bill for the upcoming biennium. Highlights of the measure include 4.64 million dollars for the Manchester District Court, along with language requiring that no land acquisition costs come from this appropriation. A big step toward maximum utilization of the New Hampshire Hospital grounds is taken in this bill as money is appropriated for renovations of the Brown Building, along with appropriate parking facilities. Also included is money for a detailed, updated and comprehensive look at the hospital buildings and grounds to maximize the property in the best interests of the State. The New Hampshire Technical Institute in Concord will be the recipient of a student activity center, funded from an increase in student fees. The first step in a new state-wide radio system is undertaken with a 7.5 million dollar appropriation, which provides the infrastructure and new radio system for the Department of Safety. Hard as it is to believe, at present, the whole Department of Safety has only 51 portable radios and, under present conditions, they have difficulty communicating amongst themselves. Sprinkled throughout the budget are expenditures for compliance with the American with Disabilities Act; further asbestos removal, underground tank replacements, and computer upgrades. Changes from the Governor's submission include the following deletions; one million dollars for land acquisition costs for the Manchester District Court House; a \$140,000 reduction in food service training equipment for the Department of Corrections; the dormitory at the Fire Standards and Training due to lingering questions regarding impacts to the local economy and associated costs of operation of the dormitory; two million dollars from the University System in the area of ADA compliance and repairs and renovations. Additions include: 2.9 million dollars for snow making and trail improvements at Cannon and Sunapee, and funding for a detailed, independent review of the State ski areas and how best they can serve the interests of the State; 15.9 million dollars for a new library at the University of New Hampshire, and design money for libraries at Plymouth and Keene; 1.23 million dollars to complete the Bedrock Aquifer Mapping program; and 6.9 million dollars for a much needed addition to the John O. Morton Building. The above items constitute the majority of the changes in the original bill, and while the committee's increases exceed its decreases, we unanimously feel that we have met the capital needs of the State of New Hampshire, and stayed within recognized guidelines pertaining to the State's bonding capacity. Vote 17-0.

Amendment (1951B)

Amend the title of the bill by replacing it with the following:

AN ACT

making appropriations for capital improvements, establishing a committee to oversee and set priorities for certain appropriations and establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General.

A. Replace roofs at 6 facilities-statewide	\$	96,800
Less federal	-	72,600
Net state appropriation subparagraph A	\$	24,200

B.	Roof replacement-Manchester	\$	121,250
C.	Roof replacement MV storage/hangar-Concord	\$	340,480
	Less federal	\$ -	255,360
	Net state appropriation subparagraph C	\$	85,120
D.	Replace 37 overhead doors-Concord	\$	41,000
	Less federal	\$ -	30,750
	Net state appropriation subparagraph D	\$	10,250
E.	Paving/surfacing-Concord	\$	142,000
	Less federal	\$ -	61,500
	Net state appropriation subparagraph E	\$	80,500
	Total state appropriation paragraph I	\$	321,320
II. Department of Administrative Services, Division of Plant and Property Management.			
A. Bureau of General Services.			
	1. Replace cooling tower-health and human services building	\$	60,000
	2. Central processing unit upgrade-data center		300,000
	3. Disk storage upgrade-data center		150,000
	4. Parking expansion-health and human services		255,000
	Total subparagraph A	\$	765,000
B. Bureau of Court Facilities.			
	1. Manchester district court construction *	\$	4,640,000
	2. Asbestos removal-Hillsborough county court north		4,080,000
	3. Plymouth district court design		100,000
	Total subparagraph B	\$	8,820,000
	Total state appropriation paragraph II	\$	9,585,000
* No portion of this appropriation shall be used for land acquisition.			
III. Department of Corrections.			
A.	Upgrade electronic security systems-Concord	\$	250,000
B.	Repair security fence-Concord		100,000
C.	Repair boiler plant-Lakes Region		180,000
D.	Repair sewer main-Lakes Region		250,000
E.	Purchase of truck and forklift-Concord		80,000
F.	Pave dirt drives-Concord		80,000
	Total state appropriation paragraph III	\$	940,000
IV. Department of Environmental Services.			
A.	Hazardous waste superfund match	\$	1,843,000
B.	State revolving fund match		5,723,835
C. Division of water resources			
	1. Bedrock aquifer mapping (groundwater mapping program)		2,460,000
	Less federal		- 1,230,000
	Net appropriation subparagraph C	\$	1,230,000
	Total state appropriation paragraph IV	\$	8,796,835
V. Department of Health and Human Services.			
A. New Hampshire Hospital			
	1. Replace laundry equipment	\$	75,000
	Total subparagraph A	\$	75,000
B. Glencliff Home for the Elderly			
	1. Enlarge/remodel laundry	\$	190,000
	2. Sewer and water line replacement		600,000
	Total subparagraph B	\$	790,000

C. Division for Children and Youth Services	
1. Design/study new school building	\$ 100,000
2. Reroof 3 buildings-YDC	110,000
3. Replace valves, piping and traps-YDC	125,000
4. Replace gym floor-Tobey building	60,000
5. Case management system	\$ 1,500,000
Total subparagraph C	\$ 1,895,000
D. Division of Public Health Services	
1. Optical disk records storage	\$ 387,622
2. Additional generator-health and human services building	140,000
Total subparagraph D	\$ 527,622
E. Division of Mental Health and Developmental Services	
1. Main building repairs	\$ 700,000
2. Asbestos abatement	50,000
3. Renovate Brown building *	9,946,000
Total subparagraph E	\$ 10,696,000
* No portion of this appropriation may be expended or encumbered in any way for parking facilities until the report required by section 24 of this act is approved by the capital budget overview committee.	
F. Commissioner's Office of Administration and Finance	
1. Automated inserting and mailing system	\$ 261,096
2. Modernize communications processors	\$ 201,000
Less federal	\$ - 60,300
Net state appropriation subparagraph 2	\$ 140,700
3. FAMIS system development	\$ 1,400,000
Less federal	- 900,000
Net state appropriation subparagraph 3	\$ 500,000
Total subparagraph F	\$ 901,796
Total state appropriation paragraph V	\$ 14,885,418
VI. Liquor Commission.	
A. Repair parking lots at 3 stores	\$ 120,000
B. Roofing and exterior repairs at 2 stores	22,000
C. Replace roof-Nashua store #69	81,000
D. Upgrade Hampton #73 sewer system with emphasis on providing facilities for the public	375,000
E. Parking lot repairs at 5 stores	110,000
Total state appropriation paragraph VI	\$ 708,000
VII. Department of Postsecondary Technical Education.	
A. Renovate dental auxiliaries lab	\$ 300,000
B. Instructional computer labs	1,134,000
C. Renovate 2 biology labs-Concord	181,000
D. Upgrade nursing/fitness lab-Manchester	96,000
E. Diagnostic medical imaging unit-Concord	244,000
F. Upgrade GIS/survey lab-Berlin	137,000
G. Graphic arts imaging lab-Laonia	306,000
H. Replace windows-Stratham	100,000
I. Replace roof-Stratham	220,000
Total state appropriation paragraph VII	\$ 2,718,000
VIII. Department of Resources and Economic Development.	
A. Energy system conversion-Cannon	\$ 90,000
B. Sunapee/Cannon snowmaking, safety items	2,925,000
Total state appropriation paragraph VIII	\$ 3,015,000

IX. Department of Revenue Administration.	
A. Computer assisted mass appraisal	\$ 500,000
Total state appropriation paragraph IX	<u>\$ 500,000</u>
X. Department of Safety.	
A. Replacement of radio system	
1. General fund share	\$ 6,500,000
2. Highway fund share	1,000,000
Net appropriation paragraph X	<u>\$ 7,500,000</u>
Total state appropriation paragraph X	<u>\$ 7,500,000</u>
XI. Department of Transportation.	
A. Division of Aeronautics	
1. Land acquisition-navigation beacons	\$ 80,000
2. State required 5-10 percent match for FAA approved airport projects	<u>500,000</u>
Total subparagraph A	<u>\$ 580,000</u>
B. Bureau of Public Works	
1.a. Underground tank replacement-general fund share	\$ 1,000,000
b. Underground tank replacement-highway fund share	500,000
2. Americans with Disabilities Act compliance *	<u>2,000,000</u>
Net appropriation subparagraph B	<u>\$ 3,500,000</u>
Total state appropriation paragraph XI	<u>\$ 4,080,000</u>
Total state appropriation section 1	<u>\$ 53,049,573</u>

* An amount not to exceed 9.5 percent of the appropriation may be expended for consultant services and/or temporary trades.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Infrastructure renovations-Plymouth	\$ 1,100,000
B. American with Disabilities Act code compliance improvements-systemwide	1,000,000
C. System-wide maintenance	4,000,000
D. Design Lamson library-Plymouth	\$ 700,000
E. Design Mason library - Keene	200,000
F. Construction Dimond library - UNH	<u>15,000,000</u>
Total state appropriation section 2	<u>\$ 22,000,000</u>

3 Appropriation; Department of Postsecondary Technical Education. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. New Hampshire Technical Institute-Concord	
1. Student activity center	\$ 1,080,000
less other funds	<u>\$ - 230,000</u>
Net state appropriation section 3	<u>\$ 850,000</u>

4 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Reconstruct York Pond Road-Berlin	\$ 95,000
Less federal	<u>- 71,250</u>
Net appropriation subparagraph A	<u>\$ 23,750</u>
B. Concrete repair/replacement-Berlin	\$ 345,000
Less federal	<u>- 258,750</u>
Net appropriation subparagraph B	<u>\$ 86,250</u>
C. Develop additional water source-Berlin	\$ 160,000
Less federal	<u>- 120,000</u>
Net appropriation subparagraph C	<u>\$ 40,000</u>

D. Storage building-Concord headquarters	\$	135,000
E. Conversion of existing storage buildings to offices	\$	40,000
Total state appropriation section 4	\$	325,000

5 Appropriation; Department of Resources and Economic Development, Division of Parks and Recreation. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Division of Parks and Recreation		
1. Americans with Disabilities Act compliance-parks	\$	865,000
2. Wentworth Coolidge seawall/barn		200,000
3. Toilet/trail/parking improvements-Monadnock		150,000
4. Septic systems-Weeks/Wentworth		150,000
5. Improvements-Rockingham/Pisgah/Canterbury		177,000
6. Develop plans-Governors/Northwood Meadows		100,000
7. Historic sites		200,000
Total state appropriation section 5	\$	1,842,000

6 Appropriation; Department of Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Addition to J.O. Morton Building	\$	6,900,000
Total state appropriation section 6	\$	6,900,000

7 Increased Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$5,700,000] **\$6,700,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

8 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4, 5 and 6 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

9 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids have been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the State of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may

negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

10 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5, 6, and 7 except such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of department of transportation with the approval of the governor and council.

11 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, and 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$84,966,573 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

12 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state, except for the payment of principal and interest on bonds for the appropriations under section 1, paragraph X, A, 2 and section 1, paragraph XI, B, 1, b of this act shall be made when due from the highway fund.

II. The payment of principal and interest on bonds issued for projects in:

- (a) Section 3 shall be made from the technical institute private fund.
- (b) Section 4 shall be made from the fish and game fund.
- (c) Section 5 shall be made from the state park fund.
- (d) Section 6 shall be made from the highway fund.

13 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

14 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, 4, 5, 6, and 7 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 11 shall be reduced by the same amount.

15 Transfers. The individual project appropriations, as provided in sections 1, 3, 4, 5, 6, and 7 shall not be transferred or expended for any other purpose; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

16 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, 5, 6, and 7 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 11 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

17 Lapse Dates Extended to June 30, 1994. The following appropriations are hereby extended to June 30, 1994:

I. The appropriation made to the department of administrative services in 1991, 351:1, II, A, for repair of the state house dome.

II. The appropriation made to the department of administrative services in 1991, 351:1, II, E, for renovations to the Coos county courthouse.

III. The appropriation made to the department of health and human services in 1991, 351:1, V, C, 4, for asbestos removal or containment at the youth development center which shall be transferred to the New Hampshire hospital.

IV. The appropriation made to the department of health and human services in 1991, 351:1, V, C, 7, d, for handicapped access, etc. to the James O. settlement, YDC.

V. The appropriation made to the liquor commission in 1991, 351:1, VI, B, for a liquor store on I-95.

VI. The appropriation made to the department of postsecondary technical education in 1991, 351:6, A, for the police standards and training range, dorm, and tactical building.

VII. The appropriation made to the department of corrections in 1988, 224:1, I, A as amended by 1989, 367:27, I and extended by 1991, 351:27, I, for prison construction in Laconia.

VIII. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 4 as extended by 1991, 351:27, II, 1, for aeronautics projects at Skyhaven airport.

IX. The appropriation made to the department of health and human services, division of public health services, in 1991, 351:1, V, D, 1 and 2, for laboratory modernization and radiological laboratory update.

X. The appropriation made to the department of resources and economic development, division of parks in 1991, 351:1, VIII, A, 1, for repairs and renovations system-wide for major deferred projects.

XI. The appropriation made to the department of safety in 1991, 351:1, IX, A, for Glendale dock repair.

XII. The appropriation made to the department of fish and game in 1991, 351:4, E, for the water system in Berlin.

XIII. The appropriation made to the department of postsecondary technical education in 1991, 351:1, VII, F, 1, for the parking lot at the New Hampshire technical institute in Concord.

18 Lapse Dates Extended to June 30, 1995. The following appropriations are hereby extended to June 30, 1995:

I. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1 as extended in 1991, 351:27, II(g), and 1992, 149:2, I, for small watershed programs.

II. The appropriation made to the department of administrative services in 1991, 258:1 for land acquisition, design, construction, and furnishings of a new superior court in Rockingham county.

19 Lapse Date; June 30, 1999. The appropriation made to the department of environmental services, division of water resources in section 1, paragraph IV, C of this act, for bedrock aquifer mapping shall lapse June 30, 1999.

20 Committee Established.

I. There is hereby established a committee to oversee, set priorities for and make recommendations for projects and technical assistance concerning the use of the appropriation made in section 1, paragraph XI, B, 2 of this act for compliance with the Americans with Disabilities Act.

II. The committee shall be composed of the following:

(a) The commissioner of the department of transportation, or designee.

(b) The commissioner of administrative services, or designee.

(c) The attorney general, or designee.

(d) One member from the governor's commission on disability.

III. The committee shall remain in existence until the appropriation in section 1, paragraph XI, B, 2 of this act, lapses.

21 Findings; Study Committee Established.

I.(a) In concluding its study during 1992, a legislative study committee, established by 1992, 100:1, found that it is economically feasible and a more efficient use of space to restore and rehabilitate buildings on the New Hampshire hospital grounds.

(b) During the 1992 study, the committee also concluded that:

(1) The grounds are blessed with numerous architectural treasures, some of which are vacant.

(2) Other buildings are not being put to the highest and best use, and many are occupied by departments which are remote from other buildings they should be near.

(3) In addition to preserving New Hampshire's architectural heritage, it is more economical in the long run to rehabilitate, reorganize and reuse the existing structures than to build new ones.

II. As a result of the committee's findings during its 1992 study, there is hereby established a committee which shall be authorized to:

(a) Oversee an engineering study to determine the cost, management, and direction that should be taken to define the future and direction of the New Hampshire state hospital grounds.

(b) Do a cultural resources inventory for all of the New Hampshire state hospital buildings and grounds to determine their historic value and to assign priorities for their importance.

(c) Do a physical inventory of all of the New Hampshire state hospital buildings and assign priorities for their reuse and type and cost of reuse.

(d) From the studies in subparagraphs (b) and (c) determine the maximum capacity of the New Hampshire state hospital grounds for use and subsequent parking traffic and utility requirements.

(e) Review all of the state office needs and match them to the available resources at the New Hampshire state hospital.

22 Membership. The committee shall consist of the following:

I. Two members of the house, appointed by the speaker of the house. One of the members shall be from the house public works committee and one shall have experience in construction or renovation.

II. Two members of the senate, appointed by the president of the senate. One of the members shall have experience in the field of business.

III. The commissioner of the department of health and human services, or designee.

IV. The commissioner of the department of cultural affairs, or designee.

V. The superintendent of the New Hampshire hospital.

VI. Two members of the general public, appointed by the governor. One member of the general public shall have professional experience in renovation and the other shall be an architect.

23 Initial Meeting. The committee shall hold its first meeting within 30 days of the effective date of this act. The committee shall choose a chairperson from among its members at the initial meeting of the committee.

24 Committee Report. The study committee shall submit a report on its findings, including recommendations for legislative or executive action, to the speaker of the house, president of the senate, and the governor no later than November 1, 1994.

25 Mileage. Legislative and state employee committee members shall receive mileage at their respective rates.

26 Appropriation. The sum of \$150,000 is hereby appropriated to the committee established in paragraph II of section 20 of this act for the fiscal year ending June 30, 1994, for the purpose of completing the study authorized in section 20 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

27 Study Required. The department of resources and economic development, with the prior approval of the capital budget overview committee, shall hire a consultant, to determine the best means to utilize the ski areas. The study shall include recommendations for the ski areas' future use and the economic impact to the region and state for each possible future use. The department shall submit the consultant's study to the governor, speaker of the house and senate president on or before September 1, 1994.

28 Appropriation. The sum of \$150,000 is hereby appropriated to the department of resources and economic development for the fiscal year ending June 30, 1994, to hire a consultant as provided in section 27 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

29 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill makes appropriations for capital improvements for the biennium.

The bill also establishes a committee to oversee a study to determine the cost, management, and direction that should be taken to define the future and direction of the New Hampshire state hospital buildings and grounds. The committee shall make a report of its findings, together with any proposed legislation, no later than November 1, 1994. The bill appropriates \$150,000 for the fiscal year ending June 30, 1994, to the general court for the purpose of contracting for and completing the study.

The bill also establishes a committee to oversee and set priorities for appropriations made to achieve compliance with the Americans with Disabilities Act.

The bill also provides an appropriation to the department of resources and economic development to hire a consultant to determine the best uses for the state-owned ski areas.

Rep. Gene Chandler spoke in favor and yielded to questions.

Adopted.

Rep. Gorman offered a floor amendment.

Floor Amendment (1976B)

Amend section 1 of the bill by replacing paragraphs VIII-XI with the following:

VIII. Department of Resources and Economic Development.

A. Energy system conversion-Cannon	\$	90,000
B. Sunapee/Cannon snowmaking, infrastructure completion		1,345,000
Total state appropriation paragraph VIII	\$	1,435,000

IX. Department of Safety.

A. Replacement of radio system		
1. General fund share	\$	6,500,000
2. Highway fund share		1,000,000
Net appropriation paragraph IX		7,500,000
Total state appropriation paragraph IX		7,500,000

X. Department of Transportation

A. Division of Aeronautics		
1. Land acquisition-navigation beacons	\$	80,000
2. State required 5-10 percent match for FAA approved airport projects		500,000
Total subparagraph A	\$	580,000
B. Bureau of Public Works		
1.a. Underground tank replacement- general fund share	\$	1,000,000
b. Underground tank replacement- highway fund share		500,000
2. Americans with Disabilities Act compliance*		2,000,000
Net appropriation subparagraph B		3,500,000
Total state appropriation paragraph X		4,080,000
Total state appropriation section 1	\$	50,969,573

Amend the bill by replacing section 11 with the following:

11 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4, 5, and 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$82,886,573 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

Amend paragraph I of section 12 of the bill by replacing it with the following:

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state, except for the payment of principal and interest on bonds for the appropriations under section 1, paragraph IX, A, 2 and section 1, paragraph X, B, 1, b of this act shall be made when due from the highway fund.

Amend paragraph I of section 20 of the bill by replacing it with the following:

I. There is hereby established a committee to oversee, set priorities for and make recommendations for projects and technical assistance concerning the use of the appropriation made in section 1, paragraph X, B, 2 of this act for compliance with the Americans with Disabilities Act.

Amend paragraph III of section 20 of the bill by replacing it with the following:

III. The committee shall remain in existence until the appropriation in section 1, paragraph X, B, 2 of this act, lapses.

Reps. Gorman and Borsa spoke in favor.

Reps. Richard Hill, Salatiello, Robert Wheeler and Gene Chandler spoke against.

Roll call request not sufficiently seconded.

The amendment failed.

Report adopted and referred to Appropriations.

Rep. Lozeau notified the Clerk that she wished to be recorded in opposition to the Bill.

SPECIAL ORDERS

Without objection, the Speaker made the 11 remaining bills Special Orders for Thursday, March 18, 1993.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills, except CACR 9, be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 18, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HCR 13, urging the cities and towns of New Hampshire to adopt recycling programs.

HB 443, relative to the applicability of the state-federal unemployment compensation extended benefit program and relative to the status of the commissioner of the department of employment security as an interested party in cases in controversy at the administrative level.

HB 620, relative to unemployment benefits for domestic workers.

HB 237, requiring sporting clubs to recommend members to the fish and game commission.

HB 341, relative to a small employer insurance availability act and standardized medical benefits forms.

HB 271, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws.

HB 407, making technical changes to the laws governing the courts.

HB 612, relative to changes in the maximum weekly benefit amount for unemployment compensation.

HB 633, repealing inactive study committees and extending the reporting date for certain study committees.

SPECIAL ORDER

Reps. Jasper and Trombly moved that **CACR 9**, relating to a 4-year term for the office of governor, be made a special order for Thursday, March 18 at 2:00 p.m.

Adopted.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of Senate Bills and enrolling reports only.

Adopted.

The House recessed at 5:50 p.m.

RECESS

Rep. John Flanders moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 14

Thursday, March 18, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

,O Ingenious God, direct our power and passion to creating clarity where there is confusion, to putting flesh of action on bare-boned intentions, to bringing forth the best from ourselves and one another. And may the meditations of our hearts and minds be inspired by Your creativity and consecrated by Your wisdom. Amen.

Rep. Crossman led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. David Cote, Perry, Lovejoy, Nardi, Benjamin Moore, Ahlgren, Mason and Eaton, the day, illness.

Reps. Dodge, Ruth Gage, Harwell, Kennedy, Smart, Carol Moore, Kincaid, C. William Johnson, Loder, Record, McIlwaine, Elizabeth Moore, Ralph Torr, Gargiulo and Gross, the day, important business.

Rep. Clemons, the day, illness in the family.

INTRODUCTION OF GUESTS

Ellen Lowe, guest of Rep. Avery. Joey Hawkins, son of Rep. Hawkins. Joan Lachut, Linda Davison and George and Alexandra Davison. wife, daughter and grandchildren of Rep. Lachut. Jane Chandler and Mary Brown, wife and guest of Rep. John Chandler. Marris Buessing, daughter of Rep. Buessing.

GUEST ON THE ROSTRUM

Richard Holmes of Newport, Speaker of the House for the New Hampshire YMCA Youth in Government Program. Guest of Reps. Rodeschin, Peyron and Flint.

ENROLLED BILLS REPORT

HB 122, changing Central Street in the town of Newport to a class II highway.

HB 124, repealing an appropriation for an environmental and engineering study and authorization to acquire rights-of-way for construction of a truck lane on US Route 2 in Jefferson.

HB 142, relative to motorcycle noise levels.

HB 287, relative to petition to the division of water resources by a municipality for dam disrepair.

HB 318, changing the requirements for filing notices of intent to cut and reports of cut.

HB 342, relative to the use of revenue derived from parking meters for public transportation systems.

HB 402, encouraging the composting of food wastes and recycling of construction and demolition debris.

HB 508, permitting a dam to be constructed on Jenness pond in Northwood.

HJR 1, supporting the improvement of primary health care delivery.

SPECIAL ORDERS

HB 590-FN-A, imposing a supplemental tobacco tax to fund health education for minors. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Avis B. Nichols for the Majority of Ways and Means: The Committee felt that if this bill passed, we would lose our competitiveness with our bordering states. It would decrease the amount received from the tobacco tax. It would hurt the businesses along our borders and also decrease the amount received from the Business Profits Tax. Vote 12-7.

Rep. William H. McCann for the Minority of Ways and Means: The amended version of HB 590 does two things. First, and most important, it removes the provision that revenues raised by

this legislation go into a dedicated fund. While the idea of the money being used for health education is laudable, the majority of the committee is opposed to dedicated funds.

Second, this bill will increase general fund revenue by \$14.24 million in each year of the biennium. This amendment would not expand citizens being taxed, it would increase an existing tax on tobacco products by .10 and anticipates a 5.06% loss of sales as computed by DRA. Reducing tobacco dependence at the same time we raise over \$14 million dollars in new revenue are the two best reasons to pass this bill as amended.

Rep. Katherine Foster moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Katherine Foster requested a quorum count. The Speaker declared a quorum present.

Reps. Jasper and Teschner spoke against and yielded to questions.

Rep. Joyce Johnson spoke in favor and yielded to questions.

Rep. Klemm spoke against.

Rep. Soldati requested a quorum count. The Speaker declared a quorum present.

Reps. Haettenschwiler and William McCann spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 104

NAYS 250

**YEAS 104
BELKNAP**

Hauck, William Hawkins, Robert Holbrook, Robert

CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Metzger, Katherine	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy	Royce, H. Charles	Russell, Ronald

COOS

Foss, Frederic	Hawkinson, Marie	Mayhew, Josephine	Mears, Edgar
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GRAFTON

Below, Clifton	Brown, Patricia	Crory, Elizabeth	Guest, RobertHam, Bonnie
Larson, Nils, Jr.	Nordgren, Sharon	Rose, William	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Bergeron, Lucien
Buckley, Raymond	Cepaitis, Elizabeth	Chabot, Robert	Durham, Susan
Dwyer, Patricia	Ferguson, Charles	Haettenschwiler, Alphonse	Hart, Nick
Holt, David	Kirby, Thomas	Laughlin, J. Francis	Lefebvre, Roland
Martin, Mary Ellen	McNerney, Daniel	Mittelman, David	Morello, Michael
Morrisette, Roland	Plourde, Alphonse	Smith, Leonard	Soucy, Donna
Soucy, Richard	Toomey, Kathryn	Upton, Barbara	Vanderlosk, Stanley
White, John			

MERRIMACK

Braiterman, Thea	French, Barbara	Gilbreth, Robert	Hall, Douglas
Johnson, Joyce May	Newland, Matthew	Owen, Derek	Regan, Maurice
Rogers, Katherine	Soldati, Jennifer	Trombly, Rick	Wallner, Mary Jane
Weeks, John, Jr.	Yeaton, Charles		

ROCKINGHAM

Bell, Juanita	Clark, Martha	Clark, Vivian	Conroy, Janet
Crum, William, Jr.	Hazelton, Robert	Johnson, Robert	Kane, Cecelia

Kruse, Fred
St. Martin, Tommy

McGovern, Cynthia
Syracusa, Anthony

Pratt, Katharin
Vaughn, Charles

Splaine, James

Callaghan, Frank
Merrill, Amanda
Rogers, Rose Marie

Gilmore, Gary
Merritt, Deborah
Snyder, Clair

Hemon, Roland
O'Brien, John
Wall, Janet

McCann, William, Jr.
Pelletier, Arthur
Wheeler, Katherine

STRAFFORD

SULLIVAN

Cloutier, John

Flint, Gordon

Palmer, Lorraine

NAYS 250

BELKNAP

Bartlett, Gordon
Golden, Paul
Rosen, Ralph
Ziegra, Alice

Cain, Thomas
Lafam, Robert
Salatiello, Thomas

Campbell, Richard, Jr.
Lawton, David
Smith, Linda

Dewhirst, Glenn
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
McNamara, Wanda

Cole, Stacey
Pearson, Gertrude

Delano, Robert
Smith, Edwin

Hunt, John
Young, David

COOS

Bradley, Paula
Pratt, Leighton

Guay, Lawrence
Wiswell, James

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Hill, Richard
Trelfa, Richard

Bean, Pamela
Dow, David
LaMott, Paul
Wadsworth, Karen

Brown, Alson
Driscoll, William
Scanlan, David
Ward, Kathleen

Brown, Channing
Gordon, Edward
Teschner, Douglass
White, Paul

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Bowers, Dorothy
Crotty, Edward
Domaingue, Jacquelyn
Dyer, Merton
Foster, Linda
Gosselin, Gerald
Healy, Daniel
Hunter, Bruce
Kelley, Dana
Lachut, Ervin
Lozeau, Donnalee
Mercer, Robert
Murphy, Robert
Pepino, Leo
Reidy, Frank
Sargent, Maxwell
Weergang, Alida

Amidon, Eleanor
Bagley, Amy
Burke, M. Virginia
Daigle, Robert
Donovan, Francis
Dykstra, Leona
Franks, Suzan
Greenberg, Gary
Holden, Carol
Jasper, Shawn
Kelley, Robert
Leclerc, Charles
McCann, Bonnie
Messier, Irene
O'Rourke, Joanne
Perkins, Paul
Rheault, Lillian
Searles, Stanley, Sr.
Wells, Peter, Sr.

Andrews, Frederick
Bergeron, Normand
Calawa, Leon, Jr.
Daniels, Gary
Drabinowicz, A. Theresa
Fenton, James
Gagnon, Eugene
Hall, Betty
Holley, Sylvia
Jean, Claudette
Kurk, Neal
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Packard, Bonnie
Peters, Stanley
Riley, Frances
Tate, Joan
Wheeler, Robert

Arnold, Barbara
Borsa, Andrew
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Fields, Dennis
Gervais, Glen
Hanselman, Gregory
Holt, Mark
Jean, Loren
L'Heureux, Robert
Lown, Elizabeth
McRae, Karen
Moncrief, Keith
Paquette, Rodolphe
Philbrook, Paula
Rothhaus, Finlay
Turgeon, Roland
Wright, George

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Carter, Susan
Chandler, Earle	Chandler, John	Daneault, Gabriel	Dunn, Miriam
Feuerstein, Martin	Fillion, Paul	Hill, Michael	Holmes, Mary
Houlahan, Thomas	Kidder, William	Langer, Ray	Lockwood, Robert
Nichols, Avis	Pfaff, Terence	Shaw, Randall	Stapleton, Henry
Teague, Bert	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Campbell, Marilyn
Chester, Sherman	Christie, Andrew, Jr.	Coes, Betsy	Cote, Charles
Cote, Patricia	Crossman, Harold, Jr.	DiPietro, Carmela	Dowd, Sandra
Dowling, Patricia	Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Gorman, Donald	Groves, Bonnie	Hurst, Sharlene
Hutchinson, Karen	Johnson, Bill	Katsakiores, George	Katsakiores, Phyllis
Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Lee, Rebecca	Malcolm, Kenneth
McKinney, Betsy	Miller, Don	Newman, Rick	Noyes, Richard
Packard, Sherman	Pantelakos, Laura	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rosencrantz, James
Rubin, George	Schanda, Joseph, Sr.	Senter, Merilyn	Simon, Peter
Skinner, Patricia	Smith, Arthur	Stone, Joseph	Stritch, C. Donald
Sytek, Donna	Sytek, John	Warburton, Calvin	Welch, David
Weyler, Kenneth	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Brown, George	Brown, Julie	Chagnon, Ronald	Douglass, Clyde
Dunlap, Patricia	Hilliard, Dana	Keans, Sandra	Knowles, William
Lundborn, Raymond	McGrath, J. Gregory	McKinley, Robert	Musler, George
Nehring, William	Pageotte, Donald	Spear, Barbara	Sullivan, Henry
Torr, Ann	Torr, Franklin	Vincent, Francis	Wasson, Richard

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Domini, IreneHoll, Ann
Kane, Joan	Lindblade, Eric	Peyron, Fredrik	
Rodeschin, Beverly	Schotanus, Merle		

and the motion failed.

Report adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Gilmore moved that the House reconsider its action whereby it ordered to third reading **CACR 9**, relating to a 4-year term for the office of governor.

Reps. Gilmore, Jasper, Teague and Douglas Hall spoke in favor.

Reconsideration prevailed and the question was ordering to third reading.

Reps. Gilmore and Jasper offered a floor amendment.

Floor Amendment (1987B)

Amend the resolution by replacing paragraph I with the following:

I. That article 42 of the second part of the constitution be amended to read as follows:

[Art.] 42 [Election of Governor, Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor.] The governor shall be chosen [biennially] *every 4 years* in the month of November[; and], *beginning with the 1998 general election*. The votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators[; and]. The secretary shall [lay the same before] *present*

*the results to the senate and house of representatives[,] on the first Wednesday following the first Tuesday of January to be **examined** by them [examined, and]. In case of an election by a plurality of votes [through] **throughout** the state, the [choice shall be by them declared and published] **general court shall declare and publish the name of the winner.** [And] The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the [two] 2 persons, having the highest number of votes, who shall be declared governor. [And] No person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this state for 7 years next preceding, and unless he shall be of the age of 30 years.*

Adopted.

Roll call request sufficiently seconded. The question being to order CACR 9 to third reading.

YEAS 283

NAYS 71

YEAS 283 BELKNAP

Bartlett, Gordon
Hauck, William
Lawton, David

Cain, Thomas
Hawkins, Robert
Salatiello, Thomas

Dewhirst, Glenn
Holbrook, Robert
Smith, Linda

Golden, Paul
Lafam, Robert
Ziegler, Alice

CARROLL

Allard, Nanci
Foster, Robert
Wiggin, Allen

Beach, Mildred
Lyman, L. Randy
Wiggin, Gordon

Bradley, Jeb
Philbrick, Donald

Cogswell, Richard
Saunders, Howard

CHESHIRE

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Russell, Ronald

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Riley, William
Smith, Edwin

Burnham, Daniel
Delano, Robert
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy
Young, David

Champagne, Richard
Foster, Katherine
McGuirk, Paul
Pratt, Irene
Royce, H. Charles

COOS

Bradley, Paula
Mayhew, Josephine
Wiswell, James

Foss, Frederic
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

Horton, Lynn
Pratt, Leighton

GRAFTON

Bean, Pamela
Brown, Patricia
Dow, David
Hill, Richard
Scanlan, David
White, Paul

Below, Clifton
Chase, Paul, Jr.
Driscoll, William
LaMott, Paul
Teschner, Douglass

Brown, Alson
Copenhaver, Marion
Guest, Robert
Larson, Nils, Jr.
Trelfa, Richard

Brown, Channing
Croy, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bagley, Amy
Buckley, Raymond
Crotty, Edward
Donovan, Francis
Dwyer, Patricia
Ferguson, Charles
Gervais, Glen
Hanselman, Gregory

Ahern, Richard
Andrews, Frederick
Bergeron, Lucien
Burke, M. Virginia
Daigle, Robert
Drabinowicz, A. Theresa
Dyer, Merton
Foster, Linda
Greenberg, Gary
Hart, Nick

Ahrens, Frederick
Arnold, Barbara
Borsa, Andrew
Cepaitis, Elizabeth
Daniels, Gary
Drolet, Paul
Dykstra, Leona
Franks, Suzan
Haettenschwiller, Alphonse
Holden, Carol

Allen, W. Gordon
Arnold, Thomas, Jr.
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Durham, Susan
Fenton, James
Gagnon, Eugene
Hall, Betty
Holley, Sylvia

Holt, David
 Kelley, Dana
 L'Heureux, Robert
 Lozeau, Donnalee
 McNerney, Daniel
 Moncrief, Keith
 Packard, Bonnie
 Philbrook, Paula
 Rothhaus, Finlay
 Soucy, Richard
 Wheeler, Robert

Holt, Mark
 Kelley, Robert
 Lachut, Ervin
 Martin, Mary Ellen
 Messier, Irene
 Morello, Michael
 Paquette, Rodolphe
 Plourde, Alphonse
 Sargent, Maxwell
 Tate, Joan
 White, John

Hunter, Bruce
 Kirby, Thomas
 Laughlin, J. Francis
 McCann, Bonnie
 Milligan, Robert
 Morrissette, Roland
 Perkins, Paul
 Rheault, Lillian
 Smith, Leonard
 Turgeon, Roland

Jean, Claudette
 Kurk, Neal
 Lown, Elizabeth
 McCarty, Winston
 Mittelman, David
 O'Rourke, Joanne
 Peters, Stanley
 Riley, Frances
 Soucy, Donna
 Upton, Barbara

MERRIMACK

Apple, Lowell
 Chandler, Earle
 Fillion, Paul
 Holmes, Mary
 Langer, Ray
 Pfaff, Terence
 Soldati, Jennifer
 Wallner, Mary Jane

Barberia, Richard
 Chandler, John
 French, Barbara
 Houlahan, Thomas
 Lockwood, Robert
 Regan, Maurice
 Stapleton, Henry
 Weeks, John, Jr.

Buessing, Marjorie
 Dunn, Miriam
 Gilbreth, Robert
 Johnson, Joyce May
 Newland, Matthew
 Rogers, Katherine
 Teague, Bert
 Whittemore, James

Carter, Susan
 Feuerstein, Martin
 Hall, Douglas
 Kidder, William
 Owen, Derek
 Shaw, Randall
 Trombly, Rick
 Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
 Blake, Daniel
 Chester, Sherman
 Conroy, Janet
 Crum, William, Jr.
 Drake, Herbert
 Gorman, Donald
 Katsakiores, George
 Kruse, Fred
 McKinney, Betsy
 Pullman, Robert
 Rosencrantz, James
 Smith, Arthur
 Sytek, Donna
 Woods, Deborah

Arndt, Janet
 Boucher, William
 Christie, Andrew, Jr.
 Cote, Charles
 DiPietro, Carmela
 Flanagan, Natalie
 Groves, Bonnie
 Katsakiores, Phyllis
 Lee, Rebecca
 Newman, Rick
 Putnam, Ed, II
 Schanda, Joseph, Sr.
 St. Martin, Tommy
 Sytek, John
 Yennaco, Carol

Battles, Marjorie
 Bove, Martin
 Clark, Martha
 Cote, Patricia
 Dowd, Sandra
 Flanders, David
 Hurst, Sharleene
 Klemarczyk, Thaddeus
 Malcolm, Kenneth
 Packard, Sherman
 Raynowska, Bernard
 Simon, Peter
 Stone, Joseph
 Weyler, Kenneth

Beaulieu, Jon
 Campbell, Marilyn
 Coes, Betsy
 Crossman, Harold, Jr.
 Dowling, Patricia
 Gage, Beverly
 Johnson, Bill
 Klemm, Arthur, Jr.
 McGovern, Cynthia
 Pratt, Katharin
 Richards, David
 Skinner, Patricia
 Syracuse, Anthony
 Williamson, William

STRAFFORD

Brown, Julie
 Gilmore, Gary
 Lundborn, Raymond
 Merrill, Amanda
 Pageotte, Donald
 Spear, Barbara

Chagnon, Ronald
 Hilliard, Dana
 McCann, William, Jr.
 Merritt, Deborah
 Pelletier, Arthur
 Wall, Janet

Douglass, Clyde
 Keans, Sandra
 McGrath, J. Gregory
 Musler, George
 Rogers, Rose Marie
 Wheeler, Katherine

Dunlap, Patricia
 Knowles, William
 McKinley, Robert
 Nehring, William
 Snyder, Clair

SULLIVAN

Allison, David
 Domini, Irene
 Lindblade, Eric
 Schotanus, Merle

Behrens, Thomas
 Flint, Gordon
 Palmer, Lorraine

Burling, Peter
 Holl, Ann
 Peyron, Fredrik

Cloutier, John
 Kane, Joan
 Rodeschin, Beverly

NAYS 71 BELKNAP

Campbell, Richard, Jr.

Rice, Thomas, Jr.

Rosen, Ralph

Turner, Robert

CARROLL

Chandler, Gene

Dickinson, Howard, Jr.

Mock, Henry

CHESHIRE

Hunt, John

COOS

Guay, Lawrence

GRAFTON

Adams, Carl

Gordon, Edward

Rose, William

Wadsworth, Karen

HILLSBOROUGH

Bergeron, Normand

Calawa, Leon, Jr.

Cowenhoven, Garret

Domaingue, Jacquelyn

Fields, Dennis

Gosselin, Gerald

Healy, Daniel

Jasper, Shawn

Jean, Loren

Leclerc, Charles

Lefebvre, Roland

McRae, Karen

Mercer, Robert

Murphy, Robert

Pepino, Leo

Reidy, Frank

Searles, Stanley, Sr.

Toomey, Kathryn

Vanderlosk, Stanley

Weergang, Alida

Wells, Peter, Sr.

Wright, George

MERRIMACK

Braiterman, Thea

Daneault, Gabriel

Hill, Michael

Nichols, Avis

Whalley, Michael

Willis, Jack

ROCKINGHAM

Bell, Juanita

Clark, Vivian

Dube, LeRoy

Felch, Charles, Sr.

Fesh, Robert

Flanders, John, Sr.

Hazelton, Robert

Hutchinson, Karen

Johnson, Robert

Kane, Cecelia

Miller, Don

Noyes, Richard

Pantelakos, Laura

Ritzo, Eugene

Rubin, George

Senter, Marilyn

Splaine, James

Stritch, C. Donald

Vaughn, Charles

Warburton, Calvin

Welch, David

STRAFFORD

Brown, George

Callaghan, Frank

Hemon, Roland

O'Brien, John

Sullivan, Henry

Torr, Ann

Torr, Franklin

Vincent, Francis

Wasson, Richard

SULLIVAN

None

and CACR 9 was ordered to third reading by the constitutionally-required three-fifths.

SUSPENSION OF RULES

Reps. Michael Hill and Trombly moved that the Rules be so far suspended as to permit third reading and final passage at the present time of CACR 9.

Adopted by the necessary two-thirds.

MOTION ON CACR

Rep. Trombly moved that **CACR 9**, relating to a 4-year term for the office of governor, be read a third time and passed.

Rep. Dube spoke against.

Rep. Teschner spoke in favor.

On a division vote, 296 members having voted in the affirmative and 59 in the negative, CACR 9 was adopted by the constitutionally required three-fifths.

Third reading and final passage

CACR 9, relating to a 4-year term for the office of governor.

SPECIAL ORDERS (Cont'd.)

HB 592-FN-A, designating a percentage of the meals and rooms tax to fund the department of resources and economic development, division of economic development. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Ways and Means: The amendment is a complete re-write of the bill. The original bill would have dedicated a portion of the rooms and meals tax for economic development programs. There was much discussion within the Committee in regards to the value of state-funded economic development activities and their impact on state revenues. In the end, the Committee was uncomfortable creating a dedicated fund at this time, but felt that many of the issues raised needed further study. The amendment replaced the original bill and established a study committee to examine the state's economic development programs and consider their cost, impact on state revenues, and return on investment. The amendment was developed in consultation with the House Economic Development Committee and Appropriations Committee. Vote 16-1.

Amendment (1763B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the state's economic development activities.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The economic vitality of our state is critical to the quality of life of our citizenry. The general court recognizes that while the economy is primarily a function of private sector activity, the state has an important role in fostering economic development including tourism. In addition to the direct benefits to our citizenry, a strong economy is necessary to provide the revenue necessary to implement government functions. The general court recognizes that the state has taken a more active role in economic development activities (including tourism promotion) in recent years and that the legislature should undertake a review of these activities including their cost-effectiveness, efficacy, impact on state revenues, return on investment, levels of funding, and funding stability.

2 Committee Established. The general court authorizes a study of the state's economic development activities. The study shall be conducted by a committee consisting of:

- I. One member of the house economic development committee appointed by the speaker.
- II. One member of the house appropriations committee appointed by the speaker.
- III. One member of the house ways and means committee appointed by the speaker.
- IV. One member of the senate economic development committee, appointed by the senate president.
- V. One member of the senate finance committee, appointed by the senate president.
- VI. One member of the senate ways and means committee appointed by the senate president.
- VII. The commissioner of the department of resources and economic development or his designee.

VIII. The chairman of the New Hampshire business finance authority or his designee;

IX. One public member appointed by the governor.

3 Duties. The committee shall:

- I. Catalog the current economic development programs undertaken by the state including their statutory authority, present cost, current level of activity, and accomplishments.
- II. Define, develop, or clarify meaningful outcome criteria for measuring the effectiveness of these programs.
- III. Examine whether any of these programs is duplicative or overlapping.
- IV. Consider the extent to which each program impacts upon state revenues.
- V. Project return on investment for each program.
- VI. Develop recommendations for which programs should be continued, expanded, eliminated, consolidated, or added and what level of funding is desirable for each.
- VII. Make any appropriate recommendations relative to long-term funding of these programs, including both the amount of funding required and the means to fund them.

4 Report. The committee shall submit a final report to the governor, speaker of the house, senate president, chairs of the house economic development, appropriations, and ways and means committees and chairs of the senate economic development, finance, and ways and means committees, no later than November 1, 1993.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the state's economic development activities.
Adopted.

Report adopted and ordered to third reading.

HB 575-FN, prohibiting bear dog training. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Robert J. L'Heureux for the Majority of the Committee of Wildlife and Marine Resources: The majority of the committee felt that there were adequate laws to address this issue and that legislation recently enacted should be given the opportunity to function so it may be properly evaluated. Any problems that previously existed seem to have been resolved and therefore this bill was unnecessary. Vote 11-3.

Rep. Linda Ann Smith for the Minority of Wildlife and Marine Resources: The Minority firmly believe this bill is needed. The Minority is not against bear hunting; it is opposed to the training and using of dogs to take bears. There is no justification for the damage i.e. killing, mutilation of our bears and their cubs by dogs. Bears are no longer thought of as nuisances. They have been elevated to the "trophy" animal status, and should be hunted with dignity as are other larger game animals.

Rep. Allen Wiggin moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Mock and Drake spoke in favor.

Adopted.

Rep. Mock offered a floor amendment.

Floor Amendment (1972B)

Amend the title of the bill by replacing it with the following:

AN ACT

limiting dog training and authorizing the executive director of fish and game
to issue permits for the use of bear dogs to control
agricultural and property damage.

Amend the bill by replacing all after the enacting clause with the following:

1 Dog Training; License Validity Period Shortened. Amend RSA 207:12-a, I to read as follows:

I. Any person who is licensed to hunt within the state shall be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, and turkey, upon application and the payment of a fee of \$5. No training permits shall be valid for the period of [May] **March 1** to [June 30] **August 31**, to train bear dogs, except that holders of a training permit may train dogs upon land owned or leased by the permittee, or upon land for which the permittee has written permission of the landowner during this period. Such written permission shall be carried on the permittee's person while training. Training conducted pursuant to this exception shall be permitted only on wildlife legally possessed by the permittee and if released, such releasing shall be in accordance with RSA 207:14 and 207:14-a. Notwithstanding the provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.

2 New Paragraph; Bear Dogs; Special Permit. Amend RSA 207:12-a by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other law to the contrary the executive director of fish and game shall have the authority to issue special permits for the use of bear dogs to control agricultural and property damage.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill shortens the period during which dog training permits are valid.

This bill also authorizes the executive director to issue a special permit for the use of bear dogs to control agricultural and property damage.

Adopted.

Amended report adopted and ordered to third reading.

HB 107-FN-A, exempting real and personal property of a decedent from the legacies and successions tax when such property passes to or for the use of a sibling or siblings of the decedent who hold the property jointly with a right of survivorship. **INEXPEDIENT TO LEGISLATE**

Rep. Donald P. Pageotte for Ways and Means: The sponsor's concerns are already covered by the Homestead Exemption Act (RSA 86:6-III). Vote 18-0.

Rep. William McCann spoke in favor.

Adopted.

HB 564-FN-A, lowering the cigarette tax to \$.21. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Ways and Means: Last session, the House favored lowering the cigarette tax to \$.21, but our action was vetoed by the Governor. Since that time, circumstances have changed significantly. Last fall, Massachusetts voters acted to raise that state's tax by \$.25 (to \$.51 per pack). With the present competitive advantage, we are receiving increased revenue, and the committee feels that any decrease would only serve to reduce needed revenues. Vote 19-0.

Adopted.

Rep. Newman notified the Clerk that he wished to be recorded in opposition to the Committee report.

HB 601-FN-A, exempting from the real estate transfer tax certain transfers between land trusts and housing cooperatives. **OUGHT TO PASS**

Rep. Bonnie D. Ham for Ways and Means: This bill eliminates the potential for liability for the payment of real estate transfer taxes twice; once upon purchase by a trust incorporated under RSA 292 to meet affordable housing needs for low income individuals, and secondly, upon transfer to a housing cooperative established under RSA 301-A to administer the program. Vote 18-0.

Adopted.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 422-FN-A, exempting meals under \$1 from the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Ways and Means: Given the projected revenue loss of up to \$3.1 million, the committee could not support this bill at the present time. The subject matter will, however, be included in the referral study conducted under HB 576. Vote 17-0.

Rep. DePecol notified the Clerk that he wished to be recorded in opposition to the Committee report.

REGULAR CALENDAR

HB 674-FN, establishing an enhanced emissions inspection and maintenance program and establishing a study committee. **OUGHT TO PASS WITH AMENDMENT**

Reps. Jeb E. Bradley, Irene M. Messier, Bonnie Lou McCann, and Amanda A. Merrill for Environment and Agriculture: This amended bill represents two years of work toward the goal of complying with one of the nation's most comprehensive environmental laws: the 1990 Clean Air Amendments. The process has been particularly complicated in that the Committee has had to become knowledgeable on subjects ranging from organic chemistry to applied mechanics to arcane federal law and regulation. The 1990 amendments (voted for by both NH senators and congressmen) requires enhanced automobile emissions testing and repair of failing vehicles in southern NH by 1995. States not complying with the federal law (legislative authority necessary by November 15, 1993) risk losing highway transportation dollars (500 million), risk having sanctions placed on industry that would make manufacturing growth all but impossible, and risk the EPA running an emissions testing program in NH. This amended version is the result of widespread consensus building. The Committee has taken input from all concerned groups, indi-

viduals and elected officials and has reached consensus recommendations with regard to the following, intensely controversial issues: the administrative roles of the Department of Safety and Environmental Services, the oversight role of the Legislature, flexibility to comply with federal regulations if they become less stringent, allowance for multiple test contractors, economic hardship waivers, consumer protection and convenience measures, methods of mitigating the impact on officials who register cars, the administrative fee, the need for air quality monitoring, provisions for biennial testing as opposed to annual testing, and provisions for testing in the non-attainment counties of Hillsborough, Merrimack, Rockingham, and Strafford as opposed to statewide. The Committee believes that while compromise has been necessary and has been achieved; good public policy also will be the end result. The federal mandate will be achieved in the most cost effective manner possible. Economic growth will be facilitated. Most importantly, public health and environmental quality will be protected. Vote 20-0.

Amendment (1941B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study.

Amend all after the enacting clause with the following:

1 New Subparagraph; Vehicle Emissions Inspection Fund. Amend RSA 6:12, I by inserting after subparagraph (zz) the following new subparagraph:

(aaa) Moneys received under RSA 268:12 which shall be credited to the vehicle emissions inspection fund.

2 New Sections; Emissions Certificate Required. Amend RSA 261 by inserting after section 72 the following new sections:

261:72-a Emissions Certificate Required.

I. As of January 1, 1995, no vehicle subject to emissions inspection, as determined by RSA 268:2, XIX, and which is either scheduled for inspection in the biennial emissions inspection program or is being registered to a new person, shall be registered unless a certificate of compliance or a certificate of exemption, issued for the vehicle within the previous 90 days, is presented at the time of registration to the department or a municipal agent authorized under RSA 261:74-a through RSA 261:74-g.

II. A certificate of compliance or a certificate of exemption shall not be a requirement for the issuance of a permit for registration by municipalities under RSA 261:148.

III. This section shall not apply to the initial registration of a new vehicle which has been titled for the first time.

261:72-b Temporary Registration. The commissioner may issue temporary registration certificates and temporary number plates to any person who has not obtained the necessary certificate of compliance or certificate of exemption for registration upon payment of a \$20 fee. Temporary registration certificates and temporary plates shall be valid for 30 days from the date of issuance and shall not be renewed. The commissioner shall adopt rules, after public hearing, relative to the application procedures and criteria for issuing the temporary certificates and temporary plates.

3 Additional Fee For Registration Agents. Amend RSA 261:74-d to read as follows:

261:74-d Additional Fees Charged By Agents. Each registration agent may charge an applicant not more than \$2.50 in addition to the fees otherwise required to issue, renew or transfer a motor vehicle registration. *In addition, in those jurisdictions where vehicles are subject to emissions inspection as provided in RSA 268, each registration agent may charge a further amount of not more than \$.50.* [This] *These* fees shall be retained either by the municipality if the registration agent receiving the fee is on salary to the municipality, or by the agent himself if he is not on salary to the municipality but is paid on a fee basis.

4 New Chapter; Motor Vehicle Emissions Inspection and Maintenance. Amend RSA by inserting after chapter 267 the following new chapter:

CHAPTER 268

MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE

268:1 Legislative Findings and Purpose.

I. The purpose of this chapter is to comply with the federal Clean Air Act Amendments of 1990 which require the establishment of an enhanced emissions inspection and maintenance program in New Hampshire. Such a program will ensure that motor vehicles registered in the more populous areas of the state are adequately maintained to prevent excess emissions of air pollutants. Some of these pollutants form ground-level ozone which is harmful to the public's health and the environment. Implementation of this chapter will reduce levels of ground-level ozone in our atmosphere.

II. Failure to achieve sufficient emissions reductions from motor vehicles will result in businesses having to implement costly pollution control measures in the form of mandatory offset sanctions beyond what is already required of them by the federal Clean Air Act. The state will also be subject to the mandatory loss of federal highway funds if a sufficient improvement in air quality is not achieved.

III. The general court reaffirms the findings and purpose statements contained in 1992, 237:1.

268:2 Definitions. In this chapter:

I. "Advisory committee" means the vehicle emissions advisory committee established in RSA 268:21.

II. "Certificate of compliance" means an emissions certificate imprinted with the passing results of an emissions inspection, and which includes unique, identifying vehicle information.

III. "Certificate of denial" means an emissions certificate imprinted with the failing results of an emissions inspection, and which includes unique, identifying vehicle information.

IV. "Certificate of exemption" means an emissions certificate issued by a referee which exempts a vehicle from the need for a certificate of compliance, and which includes unique, identifying vehicle information.

V. "Commissioner" means the commissioner of safety.

VI. "Department" means the department of safety.

VII. "Diagnostic center" means a multi-purpose facility equipped with emissions testing equipment and staffed by trained personnel which provides expert information and diagnostic services on vehicle emissions as provided in RSA 268:10, IV(j).

VIII. "Emissions certificate" means the official forms issued by the department to licensed emissions inspection stations and referees to record the inspection status of subject vehicles.

IX. "Emissions inspection" or "inspection" means the set of procedures and tests used to determine if a vehicle is in compliance with air quality emissions control and emissions equipment requirements.

X. "Emissions inspection station" means an inspection-only facility operated by a private entity under contract with the department of safety.

XI. "Emissions inspector" means an employee of an inspection contractor who is licensed by the department as qualified to perform emissions inspections.

XII. "EPA" means the United States Environmental Protection Agency.

XIII. "IM240 transient mode test" means a 240 second varied speed test of tailpipe emissions developed by EPA to correlate with the federal testing procedure. This test includes options for fast pass, fast fail, and is usually performed in conjunction with evaporative system checks.

XIV. "Inspection contractor" means a private entity which the commissioner has contracted with to construct, maintain and operate emissions inspection stations and to provide other associated services.

XV. "Program" means the motor vehicle emissions inspection and maintenance program.

XVI. "Purge test" means a test of the evaporative system which verifies purging of the evaporative canister.

XVII. "Pressure test" means a test which checks the integrity of the evaporative system against fuel vapor leaks.

XVIII. "Referee" means a person licensed by the department to verify the accuracy of emissions inspections, to verify the validity of repair work for purposes of issuing certificates of exemption, and to issue certificates of exemption. No emissions inspector shall be licensed as a referee.

XIX. "Subject vehicle" means a vehicle as defined by RSA 268:4 and RSA 268:2, XXI.

XX "2-speed test" means a tailpipe exhaust test performed at idle and at 2500 rpm as described in EPA guidance.

XXI. "Vehicle" means a gasoline powered motor vehicle, excluding motorcycles, mopeds and tractors, individually registered under RSA 261 for operation on the public ways of the state that is less than or equal to 26,000 pounds manufacturer's gross weight vehicle rating and which is a 1968 or newer model.

268:3 Program Established. There is hereby established the motor vehicle emissions inspection and maintenance program. The department shall administer and enforce the program and the department of environmental services shall set the emissions standards. The department shall consult with the department of environmental services in establishing emissions inspection requirements. The program shall be executed in a manner consistent with the air pollution reduction goals and commitments set forth in RSA 268:1 and the New Hampshire state implementation plan. The program shall comply with EPA enhanced inspection and maintenance program requirements.

268:4 Subject Vehicles and Exemptions.

I. Each vehicle registered or to be registered in Hillsborough, Merrimack, Rockingham and Strafford counties is subject to the inspection and maintenance requirements of this chapter. Upon certification by the commissioner of environmental services that an additional county or counties need to be included in the program in order to comply with the Clean Air Act, the commissioner shall, after public hearing and consultation with the advisory committee, and upon approval of the governor, adopt rules to include such county or counties and associated registered vehicles within the coverage of this chapter. The same program requirements shall be instituted in the expanded program area as are in effect for the existing program area, except that, in Coos, Carroll, Grafton, Belknap, Cheshire and Sullivan counties, convenient public access as defined in RSA 268:7, I, shall mean that at least 80 percent of subject vehicles must be registered within a 15 mile radius of a station and 95 percent within a 30 mile radius of a station.

II. The following vehicles shall be exempt from the requirements of this chapter:

(a) Vehicles driven on agriculture plates as provided in RSA 261:82.

(b) For the purpose of obtaining the initial registration of a new vehicle, new vehicles titled for the first time.

III. Merrimack county municipal vehicles and the municipal vehicles of any additional county included within the coverage of this chapter after the effective date of this section pursuant to this section shall be exempt from the inspection fee requirements in RSA 268:11, I.

268:5 Emissions Inspection.

I. As of January 1, 1995, all subject vehicles shall undergo biennial emissions inspection as a requirement for vehicle registration under RSA 261. The department shall contract, in accordance with the provisions of RSA 268:10, with one or more private entities to perform all emissions inspections on subject vehicles at emissions inspection stations. A contractor may not repair any vehicles, nor recommend to vehicle owners any persons or businesses that provide repair services.

II. For 1981 and newer model vehicles, excluding vehicles 10,001 to 26,000 pounds manufacturer's gross vehicle weight rating, the high tech IM240 transient mode test with purge evaporative testing or an EPA approved equivalent alternative test or tests shall be performed. For 1968 - 1980 model vehicles and all 1968 and newer model vehicles 10,001 to 26,000 pounds manufacturer's gross vehicle weight rating, a 2-speed test shall be performed. Pressure testing shall be performed on all 1979 and newer model vehicles. Visual inspection for emissions control equipment shall be performed on 1975 and newer model vehicles.

III. The initial inspection when an inspection is required shall be performed at an emissions inspection station. Owners of vehicles that pass the inspection shall be given a certificate of compliance. Owners of vehicles that fail the inspection shall be given a certificate of denial along with diagnostic information indicating what repairs are needed. After having been repaired, failed vehicles may be reinspected at an emissions inspection station and receive a certificate of compliance upon passage of the inspection.

268:6 Exemptions For Failed Vehicles.

I. An owner of a vehicle that has not passed the required emissions inspection shall be issued a certificate of exemption for the inspection cycle in the following situations:

(a) The owner has spent at least the amount on emissions-related repairs that is required for a waiver by federal law and the vehicle still does not pass emissions inspection. Tampering-related repairs and repairs covered under warranty shall not count toward the waiver amount.

(b) As a single time, 2 year extension on additional necessary repairs for a given vehicle, if the owner has done the following:

(1) Performed a minimum of \$125 of qualifying repair work;

(2) Demonstrated financial hardship; and

(3) Performed a comprehensive diagnostic analysis at a diagnostic center by a certified mechanic.

(c) A vehicle continues to fail the emissions inspection after all known effective repairs have been performed. This shall be verified and documented by a certified mechanic employed at a diagnostic center.

II. Certificates of exemption shall be issued by referees under strict procedures and standards to ensure that only qualifying vehicles are issued certificates of exemption. A referee shall conduct an examination of the vehicle in question at an emissions inspection station or a diagnostic center prior to issuing a certificate of exemption. The consumer shall be required to provide the necessary written documentation to verify a claim for exemption made under this section.

268:7 Public Convenience.

I. The number and location of emissions inspection stations must provide convenient public access. Convenient public access shall mean that at least 80 percent of subject vehicles must be registered within a 5 mile radius of a station and 95 percent registered within a 12 mile radius of a station.

II. The average wait time for an inspection at an emissions inspection station shall not exceed 15 minutes for more than 5 days in any month and no one requiring an inspection shall need an appointment. The emissions inspection stations shall have set hours of operation that are convenient to the public and which account for the level of actual or expected use by the public during any given time period of the week.

III. A toll free telephone number shall be made available to the public for information on station locations, hours of operation, current wait times and other pertinent matters.

268:8 Consumer Protection. The department shall establish procedures and mechanisms to protect the public from fraud and abuse by inspectors, mechanics and others involved in the inspection and maintenance program, including but not be limited to, the following:

I. A challenge mechanism by which a vehicle owner can contest the results of an inspection.

II. Mechanisms for protecting whistleblowers and for following up on complaints by the public or others involved in the process.

III. A program to assist owners in obtaining warranty covered repairs for eligible vehicles that fail an emissions inspection.

IV. The establishment of a mechanic certification and monitoring program as provided in RSA 268:14.

268:9 Public Education. The program shall include an ongoing public education effort which shall include the requirements of the program, its purpose and benefits, proper maintenance of a vehicle for low pollutant emissions, finding a qualified repair technician when needed, and any other information that assists in the public's understanding and participation in the program. This public education effort shall be funded and operated by the inspection contractor or contractors and shall commence 6 months before vehicle inspections begin in an area.

268:10 Contract Requirements.

I. The commissioner, in consultation with the commissioner of environmental services, with the approval of governor and council, shall contract with a private entity or entities for the design, construction, equipment, establishment, maintenance and operation of the emissions inspection stations and the provision of related services and functions. All costs shall be borne by the contractor or contractors who shall be compensated by a per vehicle inspection fee. A contractor and its officers and employees may not be in the business of selling, maintaining, or

repairing motor vehicles or selling motor vehicle replacement or repair parts, except that a contractor may repair any motor vehicle owned or operated by the contractor. A contractor's employees are not employees of the state for any purpose.

II. The commissioner shall seek to obtain the highest quality service for the lowest possible cost to the public through competitive negotiation with interested bidders. The commissioner shall give balanced consideration during the competitive negotiation to the following:

- (a) The public convenience factors prescribed in RSA 268:7.
- (b) The inspection fee proposed by the contractor.
- (c) The degree of technological content of the proposal including test accuracy specifications, quality of testing services, data and methodology used to prepare its network design and other technological aspects of the proposal.
- (d) The experience of the contractor and the probability of successful performance of the contract.
- (e) The financial stability of the contractor. A reasonable inquiry to determine the financial stability of a proposer shall be conducted.

III. The commissioner shall provide copies of all bid specifications, proposals and negotiating documents to the commissioner of environmental services and shall, in general, keep the commissioner of environmental services apprised of all contractual matters. In return, the commissioner of environmental services shall provide the commissioner with timely information and recommendations concerning the efficacy of any contractual arrangement or provision in providing the vehicle emissions reductions necessary to carrying out the provisions of this chapter.

IV. The contract shall contain the following provisions:

- (a) The inspection fee per vehicle to be paid to the contractor.
- (b) Public convenience requirements, including those prescribed by RSA 268:7.
- (c) The minimum requirements for adequate staff, equipment, management and hours of operation of the emissions inspection stations.
- (d) The submission of such written or electronically supplied data, reports and documentation as the commissioner may require which shall be made available to both the department and the department of environmental services.
- (e) Surveillance privileges by the commissioner to ensure compliance with standards, procedures, applicable state and federal law, and the contract.
- (f) An ongoing public education and relations program as required by RSA 268:9.
- (g) A performance bond, bid bond, or other parental guarantee as deemed necessary by the commissioner.
- (h) That the contractor shall operate the emissions inspection stations for a minimum of 5 years.
- (i) Monetary penalties against the contractor for failure to achieve contract performance standards.
- (j) The establishment of multi-purpose diagnostic centers that may serve as the location for performing various program activities, including but not limited, to the following:
 - (1) The consumer protection challenge mechanism as provided in RSA 268:8, I.
 - (2) Trouble-shooting problem vehicles for certified mechanics.
 - (3) The issuance of certificates of exemptions by referees under RSA 268:6.
 - (4) Inspecting statistical samples of subject vehicles as part of the program evaluation requirements under RSA 268:15.
 - (5) Periodic mechanic training or mechanic certification training.
- (k) That nothing in the contract shall require the state to purchase any asset or assume any liability if such contract is not renewed.
- (l) Any other provisions deemed necessary by the commissioner to ensure the proper execution of the inspection contract and the requirements of this chapter.

V. Notwithstanding any other law to the contrary, neither this contract nor any other contracts entered into by the department for purposes of this chapter shall be subject to review or approval by the office of information technology management.

268:11 Inspection Fee and Funding.

I. The fee per inspection at an emissions inspection station shall equal the sum of the contracted cost, or the weighted average of contracted costs if more than one contractor, of each

inspection plus \$2.50 per inspection which shall pay for state costs associated with carrying out the program. The inspection fee shall not vary from one region of the state to another. Of the \$2.50 fee, \$2 shall be designated for the department, and \$.50 for the department of environmental services. The department shall collect from the inspection contractor all \$2.50 fee proceeds, which shall be deposited in the vehicle emissions inspection fund established under RSA 268:12.

II. Each vehicle that fails its initial inspection shall be entitled to one free reinspection at an emissions inspection station.

III. The program shall be self-supporting, requiring no general fund appropriations. No state funds shall be used for construction, equipment or operating costs associated with emissions inspection stations.

IV. The advisory committee shall monitor the account balance of the vehicle emissions inspection fund. If the advisory committee determines, after taking into account the purposes of the fund, that the state portion of the inspection fee established by this section should be lowered, the advisory committee shall make such recommendation in its annual report under RSA 268:21, III.

268:12 Fund Established.

I. There is hereby established the vehicle emissions inspection fund. This nonlapsing, continually appropriated fund may only be used to pay state expenses of the department and the department of environmental services directly related to executing the inspection and maintenance program established by this chapter and any associated data analysis and reporting requirements of the federal government. Surplus monies in the fund may be used by the commissioner of environmental services to pay expenses associated with operating and maintaining ozone monitoring stations in the state.

II. Moneys shall be deposited with the state treasurer to the credit of the fund and may be invested as provided by law. Interest received on such investment and all fines and penalties collected under this chapter shall also be credited to the fund.

III. With the approval of governor and council, the commissioner is authorized to draw upon the highway fund surplus account for start-up costs of the program. Upon the approval of governor and council, the commissioner of environmental services is authorized and shall draw upon the highway fund surplus account for the establishment of 4 additional ozone monitoring stations in those counties that are not presently monitored. In addition to the \$2.50 state fee collected under RSA 268:11, I, a temporary \$.25 fee shall be assessed for the purpose of and until such time as the highway fund surplus account is refunded any monies drawn from it under this paragraph.

268:13 Enforcement Against Contractors and Inspectors.

I. Highway enforcement officers and authorized agents of the commissioner shall have complete access to the premises and inspection records of emissions inspection stations during hours of operation.

II. The department may impose an administrative fine, not to exceed \$2,000 for each offense, upon the inspection contractor or emissions inspector, if involved, for violations of emissions inspection rules and procedures. This shall be in addition to any other remedies or penalties provided under this chapter.

III. The improper inspection of a vehicle for the purpose of obtaining a passing result may result in the suspension or revocation of the license of any involved emissions inspector.

IV. The department shall develop a penalty schedule that establishes minimum penalties for the enforcement provisions provided in paragraphs II and III.

V. All penalties levied under this section are subject to the hearing procedures of RSA 541-A, upon request of the penalized party or the department. Rehearings and appeals of such decisions shall be in accordance with the provisions of RSA 541.

268:14 Mechanic Certification and Monitoring.

I. The department shall develop a voluntary training and certification program for mechanics who make emissions-related repairs. The department shall include in the contract agreement specified in RSA 268:10 those training and certification services deemed appropriate and reasonable for the inspection contractor to provide. The department may also make use of training and certification programs that exist in the public and private sector.

II. Certified mechanics shall be granted priority access for reinspection of vehicles at emissions inspection stations.

III. The department shall monitor the success rate of mechanics and repair businesses at repairing vehicles that failed initial inspection. This information shall be updated monthly and made available to mechanics, repair shops and any other interested party. This information shall also be posted at emissions inspection stations and given to owners of vehicles that fail inspection.

268:15 Program Evaluation.

I. A representative random sample of all subject vehicles shall be given an out-of-cycle, state administered or monitored IM240 mass emissions test, or EPA approved equivalent. A failing result for a tested vehicle shall not affect the emissions compliance status of that vehicle. In order to obtain statistical data for purposes of analysis and program evaluation, a representative random sample of 0.1 percent of vehicles subject to emissions inspection in a given year shall be given a state administered or monitored IM240 mass emissions test, or EPA approved equivalent, at the time of initial inspection.

II. The department of environmental services, in consultation with the department of safety, shall evaluate the program on an annual basis to determine compliance with the Clean Air Act and EPA regulations on inspection/maintenance program requirements, section 51.353 and amendments thereto, relating to reductions in emissions and the compliance demonstration, and section 51.351 and amendments thereto, relating to the enhanced vehicle inspection performance standard. The findings of this evaluation shall be submitted to the advisory committee.

268:16 Quality Assurance and Quality Control.

I. The department and the department of environmental services shall jointly develop implementation procedures to comply with EPA regulations on inspection/maintenance program requirements concerning quality control measures. Quality control measures shall include, at a minimum, control charts and preventative maintenance measures.

II. The department, in consultation with the department of environmental services, shall perform quality assurance measures which comply with EPA regulations on inspection/maintenance program requirements. These measures will include, at a minimum, overt audits, covert audits, equipment audits and recordkeeping reviews.

268:17 Rulemaking Authority. The commissioner shall adopt rules, after public hearing, in consultation with the commissioner of environmental services and in compliance with requirements established by the EPA. The commissioner shall provide copies of all proposed rules to the commissioner of environmental services and shall, in general, keep the commissioner of environmental services apprised of all rulemaking matters. In return, the commissioner of environmental services shall provide the commissioner with timely information and recommendations concerning any rulemaking provisions on providing the vehicle emissions reductions necessary to carrying out the provisions of this chapter. The commissioner shall adopt rules relative to:

I. Exhaust emissions standards, which shall include but not be limited to, nitrogen oxides, non-methane hydrocarbons and carbon monoxide, that shall be set at a level reasonably achievable for each model year vehicle operating in sound mechanical condition.

II. Requirements, procedures and standards for emissions inspections, including but not limited to, exhaust emissions testing, evaporative systems testing, use of on-board diagnostic systems when applicable, and visual inspection of air pollution control equipment.

III. Requirements for computerized inspection equipment which shall be automated to the greatest degree possible to minimize fraud and human error and which shall include a real-time data link system to a central computer.

IV. Maintenance and calibration procedures for emissions inspection equipment used at emissions inspection stations.

V. Training and licensing of qualified persons to act as referees and procedures for the issuance of certificates of exemption as provided in RSA 268:6.

VI. Training and licensing of qualified individuals to perform emissions inspections at emissions inspection stations.

VII. The method of establishing the emissions inspection fee.

VIII. The content, distribution and subsequent use of emissions certificate forms.

IX. Recordkeeping requirements for emissions inspection stations and referees to maintain accurate and complete records of all inspections which shall be easily accessible for data collection and analysis. These rules shall include procedures for the backup of electronic information.

X. Auditing the performance, records and equipment of emissions inspection stations as provided in RSA 268:16, II.

XI. Establishing a consumer protection program as provided in RSA 268:8.

XII. Establishing procedures for program evaluation as provided in RSA 268:15.

XIII. Enforcement procedures against emissions inspection stations and emissions inspectors, including the adoption of a penalty schedule for violations of emissions inspection procedures as provided in RSA 268:13.

XIV. Establishing a biennial inspection schedule based upon the vehicle year of manufacture as it appears on the registration certificate and the emissions certificate requirements for vehicle registration under RSA 261:72-a.

XV. Training, certification and monitoring of mechanics performing emissions-related repairs as provided in RSA 268:14.

XVI. At his discretion, establishing a system for appointing the inspection contractor or contractors as registration agents pursuant to RSA 261.

XVII. Establishment and implementation of quality control measures as provided in RSA 268:16, I.

268:18 Penalty; Fraudulent Certificates and Acts.

I. It shall be a class A misdemeanor for any person to purposely or knowingly:

(a) Present a facsimile of an emissions certificate in order to obtain the registration for any vehicle.

(b) Purport the ability to perform official emissions inspections unless licensed to do so.

(c) Issue or attempt to issue emissions certificates unless licensed to do so.

(d) Provide emissions certificates to any person not authorized by the commissioner to be in possession of such certificates or for any person not authorized by the commissioner to be in possession of emissions certificates to obtain or attempt to obtain such certificates.

(e) Alter the emissions inspection results of an emissions certificate.

(f) Falsely advertise or present themselves as a certified mechanic under this chapter for emissions-related repairs.

II. It shall be a class B felony for any person to purposely or knowingly make, complete, issue or transfer unofficial emissions certificates or to knowingly facilitate such fraudulent activity.

268:19 Penalty for Noncompliance. The registrant of any subject vehicle who has failed to comply with the emissions inspection requirements of this chapter shall be guilty of a violation and the commissioner shall suspend or revoke the registration of any such vehicle.

268:20 Sales of Nonconforming Vehicles; Revocation.

I. Notwithstanding any other law to the contrary, a contract of sale for a vehicle subject to emissions inspection may be voided by the buyer if:

(a) The seller does not provide the buyer at the time of sale with a certificate of compliance or a certificate of exemption issued for the vehicle within the last 75 days and the vehicle fails to pass an initial emissions inspection within 7 days from the date of sale; and

(b) The defects which are the reasons for the emissions inspection failure were not caused by the buyer.

II. In order to void a motor vehicle sale under this section, the buyer shall within 10 days from the date of sale:

(a) Notify the seller of his intention to do so;

(b) Deliver the motor vehicle to the seller in substantially the same condition as of the time of sale; and

(c) Provide the seller with the certificate of denial.

III. The buyer shall then be entitled to a refund of his purchase price if:

(a) Any of the defects which caused the emissions inspection failure still exist 14 days after the conditions of paragraph II are met;

(b) The seller has been given the opportunity to correct such defects and have the vehicle reinspected within that time period; and

(c) The vehicle does not pass emissions inspection within that time period.

IV. This section shall not apply to wholesale vehicle transactions.

268:21 Advisory Committee.

I. There is established the vehicle emissions advisory committee composed of the following members:

(a) Four representatives, appointed by the speaker of the house.

(b) Two senators, appointed by the senate president.

(c) The governor or his designee.

II. The commissioner, or his designee, and the commissioner of environmental services, or his designee, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning the inspection and maintenance program. The terms of the members shall be coterminous with their terms of office. The speaker of the house shall convene the first meeting no later than July 1, 1993. The committee shall elect a chairperson and vice-chairperson, and subsequent meetings shall be at the call of the chair or 4 or more committee members.

III. The committee shall perform an ongoing evaluation of the effectiveness of the emissions inspection and maintenance program and report its findings and recommendations to the commissioner, the governor and council, the house environment and agriculture committee and the senate environment committee by October 1 of each year.

IV. The committee shall also review and make recommendations to the commissioner on any proposed rules to be adopted under RSA 268:17 and also any contract bid specifications and proposals under RSA 268:10.

268:22 Conversion from Biennial to Annual Inspection. Upon certification by the commissioner of environmental services that annual emissions inspections need to be initiated in order to comply with the Clean Air Act, the commissioner of safety shall, after public hearing and consultation with the advisory committee, and upon approval of the governor, promulgate rules to require subject vehicles to be annually inspected, which shall become a requirement for annual registration under RSA 261.

268:23 Provisional Authority to Decentralize. The commissioner is authorized, after public hearing and consultation with the commissioner of environmental services and the advisory committee, and approval of the governor, to adopt rules which will establish a decentralized emissions inspection program, if such network and associated inspection requirements comply with the Clean Air Act and EPA regulations.

5 Administrative Procedure Act Exemption. Amend RSA 541-A:10, I by inserting after subparagraph (n) the following new subparagraph:

(o) RSA 268 and RSA 261:72-b, relative to motor vehicle emissions.

6 Date Change. Amend 1991, 48:1 as inserted by 1988, 221A:6 to read as follows:

221-A:6 Motor Vehicle Emissions Inspection; Termination of Program. The motor vehicle emissions inspection program established under 1985, 403:1, as amended by 1988, 221A, shall be terminated on December 31, [1993] 1994, unless the legislature reauthorizes the program prior to that date.

7 Motor Vehicle Diesel Emissions Study.

I. The department of environmental services shall conduct a study to:

(a) Determine the effects of diesel emissions from motor vehicles on human health and the environment by reviewing relevant scientific knowledge.

(b) Examine the activities of other states and the federal government on the effects of diesel emissions from motor vehicles on human health and the environment.

(c) Evaluate the feasibility of testing diesel motor vehicle emissions as part of an inspection and maintenance program or by means of roadside testing.

II. The department of environmental services shall coordinate with the vehicle emissions advisory committee as to the proper timetable for completion of the study and submission of the report to the vehicle emissions advisory committee, the house environment and agriculture committee, the senate environment committee, the governor, the speaker of the house, and the senate president.

8 Repeal. 1992, 237:2, relative to the establishment of an enhanced inspection and maintenance program by July 1, 1994, is repealed.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes an enhanced emissions inspection and maintenance program in Hillsborough, Merrimack, Rockingham and Strafford counties. The commissioner of safety may, with the approval of the governor, include additional counties in the program. The program requires motor vehicles to be maintained to prevent excess emissions of air pollutants in violation of the Clean Air Act.

This bill also establishes a vehicle emissions inspection fund to pay expenses related to the program. The bill also establishes a vehicle emissions advisory committee and requires the department of environmental services to conduct a motor vehicle diesel emissions study.

Rep. Jeb Bradley yielded to questions.

Roll call request not sufficiently seconded.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (1983B)

Amend RSA 268:4, III as inserted by section 4 of the bill by replacing it with the following:

III. Subject vehicles of political subdivisions of the state shall be exempt from the inspection fee requirements in RSA 268:11, I and RSA 268:12, III.

Amend the introductory paragraph of RSA 268:18, I as inserted by section 4 of the bill by replacing it with the following:

I. It shall be a class B misdemeanor for any person to purposely or knowingly:

Rep. Bonnie McCann spoke in favor and yielded to questions.

On a division vote, 239 members having voted in the affirmative and 71 in the negative, the floor amendment was adopted.

Rep. Kidder offered a floor amendment.

Floor Amendment (1989B)

Amend RSA 268:4, I as inserted by section 4 of the bill by replacing it with the following:

I. Each vehicle registered or to be registered in Hillsborough, Rockingham, and Strafford counties is subject to the inspection and maintenance requirements of this chapter. Upon certification by the commissioner of environmental services that an additional county or counties need to be included in the program in order to comply with the Clean Air Act, the commissioner shall, after public hearing and consultation with the advisory committee, and upon approval of the governor, adopt rules to include such county or counties and associated registered vehicles within the coverage of this chapter. The same program requirements shall be instituted in the expanded program area as are in effect for the existing program area, except that, in Coos, Carroll, Grafton, Belknap, Cheshire and Sullivan counties, convenient public access as defined in RSA 268:7, I, shall mean that at least 80 percent of subject vehicles must be registered within a 15 mile radius of a station and 95 percent within a 30 mile radius of a station.

Amend RSA 268:4, III as inserted by section 4 of the bill by replacing it with the following:

III. Subject vehicles of political subdivisions of the state shall be exempt from the inspection fee requirements in RSA 268:11, I and RSA 268:12, III.

AMENDED ANALYSIS

This bill establishes an enhanced emissions inspection and maintenance program in Hillsborough, Rockingham and Strafford counties. The commissioner of safety may, with the approval of the governor, include additional counties in the program. The program requires motor vehicles to be maintained to prevent excess emissions of air pollutants in violation of the Clean Air Act.

This bill also establishes a vehicle emissions inspection fund to pay expenses related to the program. The bill also establishes a vehicle emissions advisory committee and requires the department of environmental services to conduct a motor vehicle diesel emissions study.

Reps. Kidder, Lockwood and Pfaff spoke in favor.

Reps. Owen, Merrill and French spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Kidder floor amendment.

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BELKNAP**Bartlett, Gordon
Salatiello, ThomasCampbell, Richard, Jr.
Ziegler, Alice

Holbrook, Robert

Rosen, Ralph

CARROLLAllard, Nanci
Wiggin, Gordon

Chandler, Gene

Dickinson, Howard, Jr.

Foster, Robert

CHESHIRECole, Stacey
McNamara, WandaDelano, Robert
Robertson, TimothyHunt, John
Royce, H. CharlesMcGuirk, Paul
Smith, Edwin**COOS**

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

Wiswell, James

GRAFTONBrown, Channing
Ham, Bonnie
Rose, WilliamDow, David
Hill, Richard
Trelfa, RichardDriscoll, William
LaMott, Paul
Ward, KathleenGordon, Edward
Larson, Nils, Jr.**HILLSBOROUGH**Ahern, Richard
Borsa, Andrew
Daniels, Gary
Kelley, Dana
Pepino, LeoAhrens, Frederick
Bowers, Dorothy
Dyer, Merton
Laughlin, J. Francis
Reidy, FrankAmidon, Eleanor
Burke, M. Virginia
Fenton, James
Leclerc, Charles
Upton, BarbaraAndrews, Frederick
Chabot, Robert
Holley, Sylvia
McNerney, Daniel
Wheeler, Robert**MERRIMACK**Barberia, Richard
Feuerstein, Martin
Houlahan, Thomas
Nichols, Avis
Stapleton, Henry
Willis, JackChandler, Earle
Fillion, Paul
Kidder, William
Pfaff, Terence
Teague, BertChandler, John
Hall, Douglas
Langer, Ray
Regan, Maurice
Whalley, MichaelDunn, Miriam
Holmes, Mary
Lockwood, Robert
Shaw, Randall
Whittemore, James**ROCKINGHAM**Cote, Charles
Newman, Rick
Sytek, Donna
Yennaco, CarolFlanagan, Natalie
Ritzo, Eugene
Sytek, JohnGorman, Donald
Simon, Peter
Warburton, CalvinJohnson, Robert
Smith, Arthur
Weyler, Kenneth**STRAFFORD**

Brown, George

Chagnon, Ronald

McKinley, Robert

O'Brien, John

SULLIVAN

Flint, Gordon

Peyron, Fredrik

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BELKNAP**Cain, Thomas
Hawkins, Robert
Smith, LindaDewhurst, Glenn
Laffam, Robert
Turner, RobertGolden, Paul
Lawton, DavidHauck, William
Rice, Thomas, Jr.**CARROLL**Beach, Mildred
Philbrick, DonaldBradley, Jeb
Saunders, HowardCogswell, Richard
Wiggin, Allen

Lyman, L. Randy

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Manning, Joseph
Richardson, Barbara

Bonneau, Sarah
Foster, Katherine
Metzger, Katherine
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Pearson, Gertrude
Young, David

Champagne, Richard
Lynch, Margaret
Pratt, Irene

COOS

Bradley, Paula
Mears, Edgar

Foss, Frederic
Pratt, Leighton

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Patricia
Guest, Robert
Wadsworth, Karen

Bean, Pamela
Chase, Paul, Jr.
Nordgren, Sharon
White, Paul

Below, Clifton
Copenhaver, Marion
Scanlan, David

Brown, Alson
Croy, Elizabeth
Teschner, Douglass

HILLSBOROUGH

Ackerman, Philip
Bagley, Amy
Calawa, Leon, Jr.
Daigle, Robert
Drabinowicz, A. Theresa
Dykstra, Leona
Franks, Suzan
Greenberg, Gary
Hart, Nick
Holt, Mark
Jean, Loren
Kurk, Neal
Lessard, Rudy
McCann, Bonnie
Messier, Irene
Morello, Michael
Packard, Bonnie
Philbrook, Paula
Rothhaus, Finlay
Soucy, Donna
Turgeon, Roland
White, John

Allen, W. Gordon
Bergeron, Lucien
Cepaitis, Elizabeth
Desrosiers, William
Drolet, Paul
Ferguson, Charles
Gagnon, Eugene
Haettenschwiller, Alphonse
Healy, Daniel
Hunter, Bruce
Johnson, Lionel
L'Heureux, Robert
Lown, Elizabeth
McCarty, Winston
Milligan, Robert
Morrissette, Roland
Paquette, Rodolphe
Plourde, Alphonse
Sargent, Maxwell
Soucy, Richard
Vanderlosk, Stanley
Wright, George

Arnold, Barbara
Bergeron, Normand
Cowenhoven, Garret
Domaingue, Jacquelyn
Durham, Susan
Fields, Dennis
Gervais, Glen
Hall, Betty
Holden, Carol
Jasper, Shawn
Kelley, Robert
Lachut, Ervin
Lozeau, Donnalee
McRae, Karen
Mittelman, David
Murphy, Robert
Perkins, Paul
Rheault, Lillian
Searles, Stanley, Sr.
Tate, Joan
Weergang, Alida

Arnold, Thomas, Jr.
Buckley, Raymond
Crotty, Edward
Donovan, Francis
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Hanselman, Gregory
Holt, David
Jean, Claudette
Kirby, Thomas
Lefebvre, Roland
Martin, Mary Ellen
Mercer, Robert
Moncrief, Keith
O'Rourke, Joanne
Peters, Stanley
Riley, Frances
Smith, Leonard
Toomey, Kathryn
Wells, Peter, Sr.

MERRIMACK

Braiterman, Thea
French, Barbara
Owen, Derek
Wallner, Mary Jane

Buessing, Marjorie
Gilbreth, Robert
Rogers, Katherine
Yeaton, Charles

Carter, Susan
Hill, Michael
Soldati, Jennifer

Daneault, Gabriel
Newland, Matthew
Trombly, Rick

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Campbell, Marilyn
Clark, Vivian
Crossman, Harold, Jr.
Dowling, Patricia
Flanders, David
Hurst, Sharleene
Katsakiores, George
Kruise, Fred

Arndt, Janet
Blake, Daniel
Chester, Sherman
Coes, Betsy
Crum, William, Jr.
Dube, LeRoy
Flanders, John, Sr.
Hutchinson, Karen
Katsakiores, Phyllis
Lee, Rebecca

Battles, Marjorie
Boucher, William
Christie, Andrew, Jr.
Conroy, Janet
DiPietro, Carmela
Felch, Charles, Sr.
Gage, Beverly
Johnson, Bill
Klemarczyk, Thaddeus
Malcolm, Kenneth

Beaulieu, Jon
Bove, Martin
Clark, Martha
Cote, Patricia
Dowd, Sandra
Fesh, Robert
Groves, Bonnie
Kane, Cecelia
Klemm, Arthur, Jr.
McGovern, Cynthia

McKinney, Betsy
Pantelakos, Laura
Raynowska, Bernard
Schanda, Joseph, Sr.
St. Martin, Tommy
Vaughn, Charles

Miller, Don
Pratt, Katharin
Richards, David
Senter, Merilyn
Stone, Joseph
Welch, David

Noyes, Richard
Pullman, Robert
Rosencrantz, James
Skinner, Patricia
Stritch, C. Donald
Williamson, William

Packard, Sherman
Putnam, Ed, II
Rubin, George
Splaine, James
Syracusa, Anthony
Woods, Deborah

STRAFFORD

Brown, Julie
Gilmore, Gary
Knowles, William
Merrill, Amanda
Pageotte, Donald
Spear, Barbara
Vincent, Francis

Callaghan, Frank
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Pelletier, Arthur
Sullivan, Henry
Wall, Janet

Douglass, Clyde
Hilliard, Dana
McCann, William, Jr.
Musler, George
Pelletier, Marsha
Torr, Ann
Wasson, Richard

Dunlap, Patricia
Keans, Sandra
McGrath, J. Gregory
Nehring, William
Snyder, Clair
Torr, Franklin
Wheeler, Katherine

SULLIVAN

Allison, David
Kane, Joan
Schotanus, Merle

Burling, Peter
Lindblade, Eric
Stamatakis, Carol

Cloutier, John
Palmer, Lorraine

Holl, Ann
Rodeschin, Beverly

and the amendment failed.

Rep. Jeb Bradley yielded to questions.

Rep. Greenberg moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Scanlan spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 60

NAYS 290

YEAS 60 BELKNAP

Cain, Thomas

Lawton, David

CARROLL

None

CHESHIRE

Young, David

COOS

None

GRAFTON

Dow, David

LaMott, Paul

Rose, William

HILLSBOROUGH

Daniels, Gary
Greenberg, Gary
Kirby, Thomas
Paquette, Rodolphe
Upton, Barbara

Domaingue, Jacquelyn
Hart, Nick
Leclerc, Charles
Pepino, Leo
Wells, Peter, Sr.

Dykstra, Leona
Jean, Loren
McRae, Karen
Rothhaus, Finlay

Fields, Dennis
Kelley, Dana
Moncrief, Keith
Tate, Joan

MERRIMACK

Barberia, Richard
Langer, Ray
Stapleton, Henry

Feuerstein, Martin
Newland, Matthew
Whalley, Michael

Holmes, Mary
Nichols, Avis
Whittemore, James

Houlahan, Thomas
Shaw, Randall

ROCKINGHAM

Aranda, M. Kathryn
Cote, Charles

Beaulieu, Jon
DiPietro, Carmela

Bove, Martin
Dowd, Sandra

Chester, Sherman
Dowling, Patricia

Fesh, Robert
Hutchinson, Karen
McKinney, Betsy
Rubin, George

Flanders, David
Katsakiores, George
Miller, Don
Simon, Peter

Gage, Beverly
Katsakiores, Phyllis
Packard, Sherman
Williamson, William

Gorman, Donald
Kruse, Fred
Pullman, Robert

STRAFFORD

Brown, George

Vincent, Francis

SULLIVAN

None

**NAYS 290
BELKNAP**

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Rosen, Ralph
Ziegra, Alice

Dewhirst, Glenn
Holbrook, Robert
Salatiello, Thomas

Golden, Paul
Lafam, Robert
Smith, Linda

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Smith, Edwin

Bonneau, Sarah
Delano, Robert
Lynch, Margaret
Metzger, Katherine
Robertson, Timothy

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Royce, H. Charles

Cole, Stacey
Hunt, John
McGuirk, Paul
Pratt, Irene
Russell, Ronald

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Foss, Frederic
Mayhew, Josephine
Wiswell, James

Guay, Lawrence
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Channing
Crory, Elizabeth
Ham, Bonnie
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Driscoll, William
Hill, Richard
Teschner, Douglass
White, Paul

Below, Clifton
Chase, Paul, Jr.
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Copenhaver, Marion
Guest, Robert
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bagley, Amy
Bowers, Dorothy
Cepaitis, Elizabeth
Desrosiers, William
Durham, Susan
Ferguson, Charles
Gervais, Glen
Hanselman, Gregory
Holt, David
Jean, Claudette
L'Heureux, Robert

Ahern, Richard
Andrews, Frederick
Bergeron, Lucien
Buckley, Raymond
Cowenhoven, Garret
Donovan, Francis
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Healy, Daniel
Holt, Mark
Johnson, Lionel
Lachut, Ervin

Ahrens, Frederick
Arnold, Barbara
Bergeron, Normand
Burke, M. Virginia
Crotty, Edward
Drabinowicz, A. Theresa
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Holden, Carol
Hunter, Bruce
Kelley, Robert
Laughlin, J. Francis

Allen, W. Gordon
Arnold, Thomas, Jr.
Borsa, Andrew
Calawa, Leon, Jr.
Daigle, Robert
Drolet, Paul
Fenton, James
Gagnon, Eugene
Hall, Betty
Holley, Sylvia
Jasper, Shawn
Kurk, Neal
Lefebvre, Roland

Lessard, Rudy
McCann, Bonnie
Messier, Irene
Morrissette, Roland
Perkins, Paul
Reidy, Frank
Searles, Stanley, Sr.
Toomey, Kathryn
White, John

Lown, Elizabeth
McCarty, Winston
Milligan, Robert
Murphy, Robert
Peters, Stanley
Rheault, Lillian
Smith, Leonard
Turgeon, Roland
Wright, George

Lozeau, Donnalee
McNerney, Daniel
Mittelman, David
O'Rourke, Joanne
Philbrook, Paula
Riley, Frances
Soucy, Donna
Vanderlosk, Stanley

Martin, Mary Ellen
Mercer, Robert
Morello, Michael
Packard, Bonnie
Plourde, Alphonse
Sargent, Maxwell
Soucy, Richard
Weergang, Alida

MERRIMACK

Braiterman, Thea
Chandler, John
French, Barbara
Kidder, William
Regan, Maurice
Trombly, Rick

Buessing, Marjorie
Daneault, Gabriel
Gilbreth, Robert
Lockwood, Robert
Rogers, Katherine
Wallner, Mary Jane

Carter, Susan
Dunn, Miriam
Hall, Douglas
Owen, Derek
Soldati, Jennifer
Willis, Jack

Chandler, Earle
Fillion, Paul
Hill, Michael
Pfaff, Terence
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Amdt, Janet
Boucher, William
Clark, Vivian
Crossman, Harold, Jr.
Felch, Charles, Sr.
Hurst, Sharleene
Klemarczyk, Thaddeus
McGovern, Cynthia
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Stone, Joseph
Sytek, John
Welch, David

Battles, Marjorie
Campbell, Marilyn
Coes, Betsy
Crum, William, Jr.
Flanagan, Natalie
Johnson, Bill
Klemm, Arthur, Jr.
Newman, Rick
Putnam, Ed, II
Rosencrantz, James
Smith, Arthur
Stitch, C. Donald
Teminko, Margaret
Weyler, Kenneth

Bell, Juanita
Christie, Andrew, Jr.
Conroy, Janet
Drake, Herbert
Flanders, John, Sr.
Johnson, Robert
Lee, Rebecca
Noyes, Richard
Raynowska, Bernard
Schanda, Joseph, Sr.
Splaine, James
Syracusa, Anthony
Vaughn, Charles
Woods, Deborah

Blake, Daniel
Clark, Martha
Cote, Patricia
Dube, LeRoy
Groves, Bonnie
Kane, Cecelia
Malcolm, Kenneth
Pantelakos, Laura
Richards, David
Senter, Merilyn
St. Martin, Tommy
Sytek, Donna
Warburton, Calvin
Yennaco, Carol

STRAFFORD

Brown, Julie
Dunlap, Patricia
Keans, Sandra
McGrath, J. Gregory
Musler, George
Pelletier, Arthur
Spear, Barbara
Wall, Janet

Callaghan, Frank
Gilmore, Gary
Knowles, William
McKinley, Robert
Nehring, William
Pelletier, Marsha
Sullivan, Henry
Wasson, Richard

Chagnon, Ronald
Hemon, Roland
Lundborn, Raymond
Merrill, Amanda
O'Brien, John
Rogers, Rose Marie
Torr, Ann
Wheeler, Katherine

Douglass, Clyde
Hilliard, Dana
McCann, William, Jr.
Merritt, Deborah
Pageotte, Donald
Snyder, Clair
Torr, Franklin

SULLIVAN

Allison, David
Domini, Irene
Lindblade, Eric
Schotanus, Merle

Behrens, Thomas
Flint, Gordon
Palmer, Lorraine
Stamatakis, Carol

Burling, Peter
Holl, Ann
Peyron, Fredrik

Cloutier, John
Kane, Joan
Rodeschin, Beverly

and the motion failed.

The question now being the adoption of the Amended Committee report. Roll call request sufficiently seconded.

YEAS 284

NAYS 66

YEAS 284 BELKNAP

Bartlett, Gordon
Golden, Paul

Cain, Thomas
Hauck, William

Campbell, Richard, Jr.
Hawkins, Robert

Dewhirst, Glenn
Holbrook, Robert

Lafiam, Robert
Turner, Robert

Rice, Thomas, Jr.
Ziegra, Alice

Rosen, Ralph

Smith, Linda

CARROLL

Allard, Nancy
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Robertson, Timothy

Bonneau, Sarah
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Royce, H. Charles

Burnham, Daniel
Hunt, John
McGuirk, Paul
Pratt, Irene
Russell, Ronald

Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Smith, Edwin

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Foss, Frederic
Mayhew, Josephine
Wiswell, James

Guay, Lawrence
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Channing
Croy, Elizabeth
Ham, Bonnie
Scanlan, David
White, Paul

Bean, Pamela
Brown, Patricia
Driscoll, William
Hill, Richard
Teschner, Douglass

Below, Clifton
Chase, Paul, Jr.
Gordon, Edward
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Alson
Copenhaver, Marion
Guest, Robert
Nordgren, Sharon
Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bergeron, Normand
Calawa, Leon, Jr.
Crotty, Edward
Drabinowicz, A. Theresa
Dyer, Merton
Gagnon, Eugene
Hall, Betty
Holt, David
Jean, Loren
Kirby, Thomas
Laughlin, J. Francis
McCann, Bonnie
Messier, Irene
Morrissette, Roland
Paquette, Rodolphe
Reidy, Frank
Searles, Stanley, Sr.
Turgeon, Roland
White, John

Ahern, Richard
Andrews, Frederick
Bowers, Dorothy
Cepaitis, Elizabeth
Daigle, Robert
Drolet, Paul
Fenton, James
Gervais, Glen
Hanselman, Gregory
Holt, Mark
Johnson, Lionel
Kurk, Neal
Lefebvre, Roland
McCarty, Winston
Milligan, Robert
Murphy, Robert
Perkins, Paul
Rheault, Lillian
Smith, Leonard
Vanderlosk, Stanley
Wright, George

Ahrens, Frederick
Arnold, Barbara
Buckley, Raymond
Chabot, Robert
Desrosiers, William
Durham, Susan
Foster, Linda
Gosselin, Gerald
Healy, Daniel
Jasper, Shawn
Kelley, Dana
L'Heureux, Robert
Lessard, Rudy
McNerney, Daniel
Mittelman, David
O'Rourke, Joanne
Peters, Stanley
Riley, Frances
Soucy, Donna
Wells, Peter, Sr.

Allen, W. Gordon
Arnold, Thomas, Jr.
Burke, M. Virginia
Cowenhoven, Garret
Donovan, Francis
Dwyer, Patricia
Franks, Suzan
Haettenschwiller, Alphonse
Holley, Sylvia
Jean, Claudette
Kelley, Robert
Lachut, Ervin
Lown, Elizabeth
Mercer, Robert
Morello, Michael
Packard, Bonnie
Plourde, Alphonse
Sargent, Maxwell
Soucy, Richard
Wheeler, Robert

MERRIMACK

Braiterman, Thea
Chandler, John
Fillion, Paul
Hill, Michael
Newland, Matthew

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Houlahan, Thomas
Owen, Derek

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Kidder, William
Pfaff, Terence

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Regan, Maurice

Rogers, Katherine
Trombly, Rick

Shaw, Randall
Wallner, Mary Jane

Soldati, Jennifer
Willis, Jack

Teague, Bert
Yeaton, Charles

ROCKINGHAM

Arndt, Janet
Chester, Sherman
Coes, Betsy
Crum, William, Jr.
Felch, Charles, Sr.
Johnson, Robert
Malcolm, Kenneth
Pantelakos, Laura
Richards, David
Simon, Peter
St. Martin, Tommy
Sytek, Donna
Weyler, Kenneth

Battles, Marjorie
Christie, Andrew, Jr.
Conroy, Janet
Dowd, Sandra
Flanagan, Natalie
Kane, Cecelia
McGovern, Cynthia
Pratt, Katharin
Ritzo, Eugene
Skinner, Patricia
Stone, Joseph
Sytek, John
Woods, Deborah

Bell, Juanita
Clark, Martha
Cote, Patricia
Drake, Herbert
Groves, Bonnie
Klemarczyk, Thaddeus
Newman, Rick
Putnam, Ed, II
Rosencrantz, James
Smith, Arthur
Stritch, C. Donald
Treninko, Margaret
Yennaco, Carol

Campbell, Marilyn
Clark, Vivian
Crossman, Harold, Jr.
Dube, LeRoy
Hurst, Sharleene
Lee, Rebecca
Noyes, Richard
Raynowska, Bernard
Senter, Marilyn
Splaine, James
Syracusa, Anthony
Vaughn, Charles

Brown, George
Douglass, Clyde
Hilliard, Dana
McCann, William, Jr.
Merritt, Deborah
Pageotte, Donald
Snyder, Clair
Torr, Franklin

Brown, Julie
Dunlap, Patricia
Keans, Sandra
McGrath, J. Gregory
Musler, George
Pelletier, Arthur
Spear, Barbara
Wall, Janet

STRAFFORD

Callaghan, Frank
Gilmore, Gary
Knowles, William
McKinley, Robert
Nehring, William
Pelletier, Marsha
Sullivan, Henry
Wasson, Richard

Chagnon, Ronald
Hemon, Roland
Lundborn, Raymond
Merrill, Amanda
O'Brien, John
Rogers, Rose Marie
Torr, Ann
Wheeler, Katherine

Allison, David
Domini, Irene
Lindblade, Eric
Schotanus, Merle

Behrens, Thomas
Flint, Gordon
Palmer, Lorraine
Stamatakis, Carol

SULLIVAN

Burling, Peter
Holl, Ann
Peyron, Fredrick

Cloutier, John
Kane, Joan
Rodeschin, Beverly

NAYS 66 BELKNAP

Lawton, David

Salatiello, Thomas

CARROLL

None

CHESHIRE

Young, David

COOS

None

GRAFTON

Dow, David

LaMott, Paul

Rose, William

Trelfa, Richard

HILLSBOROUGH

Bagley, Amy
Domaingue, Jacquelyn
Greenberg, Gary
Leclerc, Charles
Moncrief, Keith
Tate, Joan

Bergeron, Lucien
Dykstra, Leona
Hart, Nick
Lozeau, Donnalee
Pepino, Leo
Toomey, Kathryn

Borsa, Andrew
Ferguson, Charles
Holden, Carol
Martin, Mary Ellen
Philbrook, Paula
Upton, Barbara

Daniels, Gary
Fields, Dennis
Hunter, Bruce
McRae, Karen
Rothhaus, Finlay
Weergang, Alida

MERRIMACK

Barberia, Richard
Stapleton, Henry

Holmes, Mary
Whalley, Michael

Langer, Ray
Whittemore, James

Nichols, Avis

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Fesh, Robert
Gorman, Donald
Klemm, Arthur, Jr.
Packard, Sherman
Warburton, Calvin

Beaulieu, Jon
Cote, Charles
Flanders, David
Hutchinson, Karen
Kruse, Fred
Pullman, Robert
Welch, David

Blake, Daniel
DiPietro, Carmela
Flanders, John, Sr.
Katsakiores, George
McKinney, Betsy
Rubin, George
Williamson, William

Boucher, William
Dowling, Patricia
Gage, Beverly
Katsakiores, Phyllis
Miller, Don
Schanda, Joseph, Sr.

STRAFFORD

Vincent, Francis

SULLIVAN

None

and the amended report was adopted.
Referred to Ways and Means.

SUSPENSION OF RULES

Rep. Cowenhoven moved that the rules be so far suspended as to permit the Committee on Ways and Means to hold a public hearing on **HB 674**, establishing an enhanced emissions inspection and maintenance program and establishing a study committee, without the required four-day notice.

Adopted by the necessary two-thirds.

(Rep. Michael Hill in the Chair)

HB 576-FN-A, relative to the taxation of meals. RE-REFER TO COMMITTEE

Rep. Douglass P. Teschner for Ways and Means: The definition of what constitutes a "meal" for purposes of application of the Rooms and Meals Tax is a complex subject which defies easy resolution. The committee wants more time to consider this issue to see if a suitable compromise can be achieved. Vote 13-4.

Adopted.

HB 641-FN-A, relative to an exemption for "S" corporations from the business profits tax. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Ways and Means: The sponsor of the bill asked that the bill be Inexpedient to Legislate as it does not do what he intended. Also HB 621, which raised the limit for filing for Business Profits Tax from \$12,000 to \$50,000, took care of part of his concern. Vote 16-0.

Adopted.

HB 665-FN-A, relative to a statewide property tax to fund education. OUGHT TO PASS WITH AMENDMENT

Rep. Joyce M. Johnson for Ways and Means: The committee is unanimous that a statewide property tax to fund education merits further investigation. This amendment is a complete re-write of the bill and creates a study committee to determine the effects and feasibility of a tax which would equalize rates among cities and towns on a per pupil cost basis. Vote 17-0.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the effects and feasibility of
a statewide property tax to fund education.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The legislature hereby finds that the rate of property tax paid and the amount of educational support derived per pupil is unequal among the cities and towns. It is therefore determined that the effects of a statewide property tax should be investigated to find whether such a tax would equalize tax rates and per pupil support among the cities and towns.

2 Study Committee Established; Membership. There is established a committee to study the effects and feasibility of a statewide property tax to fund education. The committee membership shall be as follows:

- I. A member of the house committee on ways and means appointed by the speaker.
- II. A member of the house committee on municipal and county government appointed by the speaker.
- III. A member of the house committee on education appointed by the speaker.
- IV. A member of the senate committee on ways and means appointed by the senate president.
- V. A member of the senate committee on education appointed by the senate president.
- VI. Two members of the public, appointed by the governor.
- VII. A representative of the New Hampshire Municipal Association selected by that organization.
- VIII. A representative of the New Hampshire School Boards Association selected by that organization.
- IX. The commissioner of the department of revenue administration, or designee, who shall be a non-voting member.
- X. The commissioner of education, or designee, who shall be a non-voting member.

3 Appointments. The appointment of members enumerated in section 2 of this act shall be made within 30 days after the effective date of this act.

4 Duties.

I. The committee shall explore the effect on city and town tax rates of a statewide property tax that funds education on a per pupil basis. The following information shall be supplied to the committee by the department of education and the department of revenue administration:

- (a) The 1992 equalized assessed valuation for each city, town and unincorporated place.
- (b) All 1992-93 school year expenditures to be made by each school district by category.
- (c) All 1992-93 school year income to each school district by source and amount.
- (d) The 1992-93 average daily membership of pupils resident in each school district.
- (e) The schedule for foundation aid distribution to each school district for 1993.
- (f) Any additional relevant information deemed necessary by the committee.

II. Using this information the committee shall:

- (a) Calculate the statewide property tax for 1993 based on the actual amount raised by the educational portion of the property tax and appropriated to fund education.
- (b) Identify the average per pupil expenditure which results.
- (c) Calculate, as precisely as possible, the total cost of special education for each school district, including catastrophic special education.
- (d) Consult with the department of education to identify the level of savings anticipated from effectively containing the cost of catastrophic special education.
- (e) Consult with the department of education concerning the design and cost of a program for gifted students.
- (f) Perform any other calculations or consultations it deems necessary.

III. By combining the average per pupil cost, the value of special education support including catastrophic special education, and the gifted student program, the committee shall produce a "statewide property tax" per pupil sum for each district.

IV. By combining the 1992-93 actual per pupil cost, the value of catastrophic special education support, and the amount of school foundation aid received, the committee shall produce a "separate property tax" per pupil number for each district.

V. The committee shall compare all the information derived from the research to report the equality of funding for education using separate property tax rates versus a statewide property tax rate with equal per pupil distribution. The 1992 tax rate for education for each city and town will be stated in the report as well as the rate produced by a statewide property tax. Any further information deemed relevant by the committee will also be included in the report.

VI. The committee is encouraged to elicit testimony from interested parties at public meetings during research for preparation of the report.

5 Report. The committee report shall be submitted to the speaker and senate president, with copies to all legislators, by November 1, 1993, accompanied by any legislation proposed by the committee.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the effects and feasibility of a statewide property tax to fund education.

Adopted.

Report adopted and ordered to third reading.

VACATES

Rep. Holbrook moved that the House vacate the reference of **HB 288**, relative to teacher representation on the New Hampshire Retirement System Board of Trustees, to the Committee on Appropriations.

Adopted.

(See Third reading motion; also see Journal No. 11 of 3/11/93)

Rep. Robert Foster moved that the House vacate the reference of **SB 133**, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners, to the Committee on Health, Human Services and Elderly Affairs.

Adopted and referred to Executive Departments and Administration.

RECONSIDERATION

Having voted with the prevailing side, Rep. Welch moved that the House reconsider its action whereby it adopted the Committee Report of Re-refer to Committee on **HB 683**, relative to unfunded mandates and removing certain duties of local officials regarding the checklist and voter registration.

Reps. Welch, Frances Riley and Trombly spoke in favor.

Reps. Gorman and David Young spoke in favor and yielded to questions.

Reps. Wadsworth and Betty Hall spoke against.

On a division vote, 128 members having voted in the affirmative and 207 in the negative, reconsideration lost.

UNANIMOUS CONSENT

Reps. Hawkins, Musler and Haettenschwiller addressed the House.

(Speaker Burns in the Chair)

HB 50-FN-A, relative to the medicaid enhancement tax and making an appropriation therefor. OUGHT TO PASS

Reps. Douglass P. Teschner, Garret P. Cowenhoven and Jennifer G. Soldati for Ways and Means: House Bill 50 is the first of two legislative changes necessary for New Hampshire to receive Medicaid enhancement revenue in the 1994-95 biennium. House Bill 50 lowers the Medicaid enhancement tax from 8 to 6 percent and changes the law to make it consistent with federal regulations. This action will raise approximately \$80 million in general fund revenue during 1994-95. Vote 17-2.

Reps. Haettenschwiller and William McCann spoke against and yielded to questions.

Reps. Douglas Hall and Teschner spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 265

NAYS 71

YEAS 265 BELKNAP

Bartlett, Gordon
Hauck, William
Lawton, David
Smith, Linda

Cain, Thomas
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Campbell, Richard, Jr.
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

Golden, Paul
Lafam, Robert
Salatiello, Thomas

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Foster, Katherine
Metzger, Katherine
Royce, H. Charles

Burnham, Daniel
Hunt, John
Pearson, Gertrude
Smith, Edwin

Cole, Stacey
Manning, Joseph
Pratt, Irene
Young, David

Delano, Robert
McNamara, Wanda
Richardson, Barbara

COOS

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Merrill, Gerald

Hawkinson, Marie
Pratt, Leighton

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Ham, Bonnie
Scanlan, David
Ward, Kathleen

Bean, Pamela
Chase, Paul, Jr.
Hill, Richard
Teschner, Douglass
White, Paul

Brown, Alson
Driscoll, William
Larson, Nils, Jr.
Trelfa, Richard

Brown, Channing
Gordon, Edward
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Barbara
Bowers, Dorothy
Cepaitis, Elizabeth
Daigle, Robert
Donovan, Francis
Dyer, Merton
Franks, Suzan
Greenberg, Gary
Holden, Carol
Hunter, Bruce
Kelley, Dana
Lachut, Ervin
Lessard, Rudy
McNerney, Daniel
Milligan, Robert
Murphy, Robert
Perkins, Paul
Reidy, Frank
Smith, Leonard
Vanderlosk, Stanley

Allen, W. Gordon
Arnold, Thomas, Jr.
Buckley, Raymond
Chabot, Robert
Daniels, Gary
Drabinowicz, A. Theresa
Dykstra, Leona
Gagnon, Eugene
Hanselman, Gregory
Holley, Sylvia
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
Lown, Elizabeth
McRae, Karen
Mittelman, David
Packard, Bonnie
Peters, Stanley
Rheault, Lillian
Tate, Joan
Weergang, Alida

Amidon, Eleanor
Bagley, Amy
Burke, M. Virginia
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Fenton, James
Gervais, Glen
Hart, Nick
Holt, David
Jean, Claudette
Kirby, Thomas
Leclerc, Charles
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Paquette, Rodolphe
Philbrook, Paula
Sargent, Maxwell
Turgeon, Roland
Wells, Peter, Sr.

Andrews, Frederick
Borsa, Andrew
Calawa, Leon, Jr.
Crotty, Edward
Domaingue, Jacquelyn
Durham, Susan
Ferguson, Charles
Gosselin, Gerald
Healy, Daniel
Holt, Mark
Jean, Loren
L'Heureux, Robert
Lefebvre, Roland
McCarty, Winston
Messier, Irene
Morello, Michael
Pepino, Leo
Plourde, Alphonse
Searles, Stanley, Sr.
Upton, Barbara
Wheeler, Robert

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Holmes, Mary
Lockwood, Robert
Soldati, Jennifer
Whittemore, James

Buessing, Marjorie
Fillion, Paul
Houlahan, Thomas
Nichols, Avis
Stapleton, Henry
Willis, Jack

Chandler, Earle
Gilbreth, Robert
Kidder, William
Regan, Maurice
Trombly, Rick

Chandler, John
Hall, Douglas
Langer, Ray
Shaw, Randall
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Chester, Sherman
Cote, Charles

Arndt, Janet
Boucher, William
Christie, Andrew, Jr.
Cote, Patricia

Battles, Marjorie
Bove, Martin
Clark, Vivian
Crossman, Harold, Jr.

Beaulieu, Jon
Campbell, Marilyn
Conroy, Janet
Crum, William, Jr.

DiPietro, Carmela
Dube, LeRoy
Flanders, David
Groves, Bonnie
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Richards, David
Simon, Peter
Sytek, Donna
Weyler, Kenneth

Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Hurst, Sharleene
Katsakiores, George
Kruse, Fred
Miller, Don
Pullman, Robert
Ritzo, Eugene
Skinner, Patricia
Sytek, John
Williamson, William

Dowling, Patricia
Fesh, Robert
Gage, Beverly
Hutchinson, Karen
Katsakiores, Phyllis
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Rosencrantz, James
Stone, Joseph
Warburton, Calvin
Woods, Deborah

Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Johnson, Bill
Klemarczyk, Thaddeus
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Senter, Marilyn
Stritch, C. Donald
Welch, David
Yennaco, Carol

Brown, George
Hilliard, Dana
Merrill, Amanda
Spear, Barbara
Wall, Janet

Brown, Julie
Keans, Sandra
Nehring, William
Torr, Ann
Wasson, Richard

Chagnon, Ronald
Knowles, William
Pageotte, Donald
Torr, Franklin

Douglass, Clyde
McKinley, Robert
Snyder, Clair
Vincent, Francis

STRAFFORD

SULLIVAN

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Lindblade, Eric
Schotanus, Merle

Domini, Irene
Palmer, Lorraine

Flint, Gordon
Peyron, Fredrik

NAYS 71 BELKNAP

None

CARROLL

None

CHESHIRE

Bonneau, Sarah
McGuirk, Paul

DePecol, Benjamin
Robertson, Timothy

Kingsbury, H. Thayer
Russell, Ronald

Lynch, Margaret

COOS

Bradley, Paula

Mears, Edgar

Wiswell, James

GRAFTON

Below, Clifton
Guest, Robert

Copenhaver, Marion
Nordgren, Sharon

Croy, Elizabeth

Dow, David

HILLSBOROUGH

Ackerman, Philip
Dwyer, Patricia
Johnson, Lionel
Riley, Frances
Toomey, Kathryn

Ahern, Richard
Fields, Dennis
Lozeau, Donnalee
Rothhaus, Finlay
White, John

Bergeron, Lucien
Haettenschwiller, Alphonse
Martin, Mary Ellen
Soucy, Donna
Wright, George

Bergeron, Normand
Hall, Betty
Morrisette, Roland
Soucy, Richard

MERRIMACK

Braiterman, Thea
Newland, Matthew
Yeaton, Charles

Daneault, Gabriel
Owen, Derek

Dunn, Miriam
Teague, Bert

French, Barbara
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
McGovern, Cynthia
Smith, Arthur
Teminko, Margaret

Clark, Martha
Pantelakos, Laura
Splaine, James
Vaughn, Charles

Coes, Betsy
Rubin, George
St. Martin, Tommy

Kane, Cecelia
Schanda, Joseph, Sr.
Syracusa, Anthony

STRAFFORD

Hemon, Roland
O'Brien, John
Sullivan, Henry

McCann, William, Jr.
Pelletier, Arthur
Wheeler, Katherine

McGrath, J. Gregory
Pelletier, Marsha

Merritt, Deborah
Rogers, Rose Marie

SULLIVAN

Allison, David

Cloutier, John

Kane, Joan

and the report was adopted.

Ordered to third reading.

Reps. Michael Hill and Carter had a conflict of interest and did not participate.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading (including HB 288) be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 25, 1993 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 592-FN-A, establishing a committee to study the state's economic development activities.

HB 575-FN, limiting dog training and authorizing the executive director of fish and game to issue permits for the use of bear dogs to control agricultural and property damage.

HB 601-FN-A, exempting from real estate transfer tax certain transfers between land trusts and housing cooperatives.

HB 665-FN-A, establishing a committee to study the effects and feasibility of a statewide property tax to fund education.

HB 288, relative to teacher representation on the New Hampshire Retirement System Board of Trustees. (Refer to Journal No. 11 of 3/11/93)

HB 50-FN-A, relative to the medicaid enhancement tax and making an appropriation therefor.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of Senate Bills and enrolling reports only.

Adopted.

The House recessed at 5:30 p.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee, Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 693 and 694, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 693, legalizing the actions of the Kingston Town meeting. (Welch, Rock/18; Weyler, Rock/18; J. Flanders, Rock/18, to Municipal and County Government)

HB 694, regulating noise from motor vehicle racetracks. (Coes, Rock/19, to Environment and Agriculture)

Rep. Jasper moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 15

Thursday, March 25, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Almighty and everlasting God, awaken in us such a reverence for life that we may hold each other in highest regard and measure the work that is ours to do. And grant unto us purity of heart and strength of purpose, so that no selfish passion may hinder us from knowing Your will, and no weakness prevent us from doing it. Amen.

Rep. McKinney led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ahlgren, Mason, Nardi, McNeerney, Benjamin Moore, Marsha Pelletier, Asselin, Hawkins, Lovejoy and Julie Brown, the day, illness.

Reps. Gross, Mayhew, Snyder, Edwin Smith, Robert Wheeler, David Holt, Laflam, Robert Foster, Houlahan, DiPietro, Borsa, Allen, Phyllis Katsakiores, Smart, Beverly Gage, Dykstra, Bean and David Young, the day, important business.

Rep. Hambrick, the day, illness in the family.

INTRODUCTION OF GUESTS

Young Republicans from UNH: David Englert, Elizabeth Wipple, Marisa Minichiello, Matthew Hill, Charles McGee, Cindy Heighes and Eric Maurer, guests of Reps. Battles, Hazelton and Mittelman. Penny Owen-Lyon, daughter of Rep. Owen. Thomas Battles, brother-in-law of Rep. Battles. Grace Boles, guest of Rep. Ziegra. Xavier Bellanger, guest of Rep. Bonneau. The 5th grade class from Symonds School and teachers, Catherine Gilbert, Mary Donnes and David Rouillard, guests of Rep. Champagne. Wayne and Tracie Buckley, father and sister of Rep. Buckley. The Class L Girls Basketball Champions from Nashua High School: Lara Marcsisin, Jessica Bresnahan, Candace Pischetola (niece of Rep. Andrews), Jessica Stevens, Jessica DuFoe, Lindsay Coppens, Lisa Cioffi, Michele Cernuda, Sarah Neville, Becky Adams, Christine Eberhard, coach, John Fagula and assistant coach Stephanie Byrd, guests of the Nashua Delegation.

VACATES

Rep. Bonnie Packard moved that the House vacate the reference of **SB 43**, relative to the state board of auctioneers, to the Committee on Commerce, Small Business and Consumer Affairs.

Adopted and referred to Executive Departments and Administration.

Rep. George Musler moved that the House vacate the reference of **HB 694**, regulating noise from motor vehicle racetracks, to the Committee on Environment and Agriculture.

Adopted and referred to Public Protection and Veterans Affairs.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 167 and 203, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 167, encouraging restaurants to practice source reduction at their establishments by requiring the establishment of a waste reduction certificate to be awarded by the department of environmental services. (Environment & Agriculture)

SB 203-FN-A, clarifying the applicability of the meals and rooms tax to colleges and universities. (Ways & Means)

**SENATE MESSAGE
CONCURRENCE**

HB 50-FN-A, relative to the medicaid enhancement tax and making an appropriation therefor.
HB 248, to allow municipalities to decide the number of members who serve on recreation or park commissions.

HB 396, establishing a committee to study mechanisms of funding and providing long-term care for the elderly.

HB 424-FN, permitting the state treasurer to pay the costs of bank services from income generated by the state treasury.

HB 473-FN, exempting certain charitable organizations from certain charitable trust filing fees.

HB 609, designating segments of the Ashuelot River for the rivers management program.

HCR 8, encouraging Congress to increase the reimbursement rate to municipalities for government-owned land.

ENROLLED BILLS REPORT

HB 101, categorizing motor vehicle child passenger restraints by age.

HB 50, relative to the medicaid enhancement tax and making an appropriation therefor.

Rep. Dunn, Sen. Currier, for the Committee

**COMMITTEE REPORTS
CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 583, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts. RE-REFER TO COMMITTEE

Rep. John J. Sytek for Executive Departments and Administration: The purpose of this bill is to make it easier for non-profit organizations to do business as contractors with the state. The bill does this by reducing the non-profits' insurance costs without exposing the state to increased liability. While everyone agrees that this goal is both worthwhile and achievable, the committee asks for an opportunity to clean up the loose ends. Vote 13-0.

REGULAR CALENDAR

HB 173-FN, making the police standards and training council responsible for certification of corrections officers and redefines the term "permanent policeman" to include "state corrections officers" for purposes of the retirement system. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: At the present time, the Police Standards and Training Council trains state corrections officers. This bill formalizes the training and certification of those officers under the jurisdiction of Police Standards and Training. The funding of this training will be through an increase in the supervision fee for probationers. These funds shall be placed in the Penalty Assessment Fund. A portion of the increase in the supervision fee will also be used to increase the daily fee of the members of the Parole Board. The bill also increases the membership on the Police Standards and Training Council from 11 to 12 by adding the Commissioner of Corrections. Vote 14-0.

Amendment (1979B)

Amend the title of the bill by replacing it with the following:

AN ACT

making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent policeman" to include "state corrections officers" for purposes of the retirement system and increasing the amount paid to members of the adult parole board and making an appropriation therefor.

Amend RSA 188-F:23 as inserted by section 2 of the bill by deleting paragraph V.

Amend RSA 188-F:26, III-VII as inserted by section 4 of the bill by replacing them with the following:

III. Establish minimum educational and training standards for employment as a police officer or state corrections officer either in permanent positions or in temporary or probationary status.

IV. Certify persons as being qualified under the provisions of this subdivision to be police officers or state corrections officers, and establish rules under RSA 541-A for the suspension or revocation of the certification of such persons in the case of egregious misconduct or failure to comply with council standards, provided that nothing in this subdivision shall be construed to place in the group II retirement system any individual not already eligible for membership under existing state law.

V. Establish minimum curriculum requirements for preparatory, inservice, and advanced courses and programs for schools operated by or for the state or any of its political subdivisions for the specific purpose of training police or state corrections recruits or [police] officers.

VI. Consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of police and corrections training schools and programs or courses of instruction, and the development of standards and methodology for the voluntary accreditation of police departments in the state.

VII. Establish, maintain, certify, or approve institutions and facilities for training police officers or state corrections officers, and [police] recruits for such positions with approval of the department's board of governors.

Amend RSA 188-F:26, XVI as inserted by section 5 of the bill by replacing it with the following:

XVI. The council may appoint, after consultation with the commissioner of corrections, a corrections advisory committee from a list of nominees submitted by the director. The members shall serve without compensation at the pleasure of the council and shall consist of one representative of the management of each adult correctional facility operated by the department of corrections, one representative each from prison industries, the secure psychiatric unit, and probation-parole, one medical professional from within the correctional system, one state corrections officer chosen by the New Hampshire state employees' association, and one representative of a county correctional institution chosen by the New Hampshire Association of Counties. The committee shall meet not less than twice in each fiscal year at the call of the director, and shall advise the council as requested on issues coming before it concerning corrections standards and training.

Amend RSA 188-F:27, I as inserted by section 6 of the bill by replacing it with the following:

I. At the earliest practical time, the council shall provide by rule that after one year from the effective date of the rule no person shall be appointed as a police officer[,] or state corrections officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of police or corrections training appropriate to such person's position at a school approved by the council. No [police] such officer who lacks the educational and training qualifications required by this section may have his temporary or probationary employment extended beyond 2 years.

Amend RSA 188-F:27, III and IV as inserted by section 7 of the bill by replacing them with the following:

7 Qualifications; References Added. Amend RSA 188-F:27, III and IV to read as follows:

III. The council, by rules adopted under RSA 541-A, shall fix other qualifications for the appointment of police officers and state corrections officers, including minimum age, physical and mental standards, citizenship, good moral character, experience, and other such matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of [police officers] their offices. The council shall prescribe the means for presenting evidence of the fulfillment of these requirements.

IV. The council shall issue a certificate evidencing satisfaction of the requirements of paragraphs I, II, and III to any applicant who presents such evidence as may be required by its rules of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police or corrections, as appropriate, education and training programs in this state.

Amend the bill by inserting after section 9 the following and renumbering the original sections 10 and 11 to read as 12 and 13, respectively:

10 Parole Board; Compensation Increased. Amend RSA 651-A:3, I to read as follows:

I. There shall be an adult parole board with 5 members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. Board members shall be paid [\$50] ~~\$100~~ a day plus mileage at the state employee rate while engaged in parole hearings or administrative meetings.

11 Appropriation. The sum of \$33,000 for the biennium ending June 30, 1995, is hereby appropriated to the adult parole board for the purpose of compensating the board's members as provided in section 10 of this act. This appropriation is in addition to any other funds appropriated to the adult parole board. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 13 with the following:

13 Effective Date.

I. Sections 10 and 11 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill:

(1) Makes the police standards and training council responsible for training and certification of corrections officers.

(2) Increases the membership of the police standards and training council and authorizes the council to establish a corrections advisory committee.

(3) Increases the supervision fee for probationers and requires that a portion of the fee be deposited in the police standards and training council fund.

(4) Modifies the term "permanent policeman" to include "state corrections officers" for purposes of the New Hampshire retirement system.

(5) Increases the amount paid to members of the adult parole board.

(6) Makes an appropriation to pay for the increase in pay to members of the adult parole board.

Adopted.

Report adopted and referred to Appropriations.

HB 311, increasing the membership on the New Hampshire retirement system board of trustees. MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Merton S. Dyer for the Majority of Executive Departments and Administration: The committee was divided on this issue and the chairman's vote resulted in the final vote of 7-6. Half the committee members wished to vote for the bill to be re-referred in order to do a study of the makeup of the board of trustees. The original board was established in 1967 when the system was established. Since that time some changes in the makeup of the board occurred in 1988 when 2 legislators were added. This year, the House passed HB 288, which allowed the American Federation of Teachers to submit a list of nominees to the Governor for consideration of a seat held by the teachers. Since the original board was formed and the groups making nominations were established, other groups have come into existence. This should be reviewed to see if they also should be allowed to nominate. This bill seeks to expand the board to 17 members. Many on the committee felt this increase was not in the best interest of the system, and a review of the nominating procedure and those who nominate should be undertaken. Vote 7-6.

Rep. Gerald O. Gosselin for the Minority of Executive Departments and Administration: This bill wants to add four more trustees, not members of the retirement system. By adding these four members, the board of trustees would be nine non-members and eight members of the retirement system. Be advised that this is about the best run system in the country. It is not broken - let's not muddle it up.

Rep. Gosselin moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Re-refer to Committee and spoke in favor.

Rep. Gosselin requested a quorum count. The Speaker declared a quorum present.

Rep. Ward spoke against.

Reps. McGovern and Reidy spoke in favor.

Rep. Dyer spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 154

NAYS 193

**YEAS 154
BELKNAP**

Bartlett, Gordon Lawton, David Salatiello, Thomas

CARROLL

Allard, Nanci Cogswell, Richard Mock, Henry

CHESHIRE

Burnham, Daniel	Champagne, Richard	DePecol, Benjamin	Delano, Robert
Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul
McNamara, Wanda	Pratt, Irene	Richardson, Barbara	Russell, Ronald

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mears, Edgar
Wiswell, James			

GRAFTON

Below, Clifton	Brown, Alson	Chase, Paul, Jr.	Copenhaver, Marion
Crory, Elizabeth	Gordon, Edward	Guest, Robert	Nordgren, Sharon

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Bagley, Amy	Bergeron, Lucien
Bergeron, Normand	Buckley, Raymond	Chabot, Robert	Clemons, Jane
Cote, David	Crotty, Edward	Daigle, Robert	Desrosiers, William
Drabinowicz, A. Theresa	Dwyer, Patricia	Fields, Dennis	Foster, Linda
Gage, Ruth	Gervais, Glen	Gosselin, Gerald	Haettenschwiller, Alphonse
Hall, Betty	Hanselman, Gregory	Hart, Nick	Healy, Daniel
Hunter, Bruce	Jean, Claudette	Jean, Loren	Johnson, Lionel
L'Heureux, Robert	Laughlin, J. Francis	Leclerc, Charles	Lefebvre, Roland
Lessard, Rudy	Martin, Mary Ellen	Milligan, Robert	Morrisette, Roland
Murphy, Robert	O'Rourke, Joanne	Paquette, Rodolphe	Pepino, Leo
Perkins, Paul	Philbrook, Paula	Plourde, Alphonse	Reidy, Frank
Riley, Frances	Soucy, Donna	Soucy, Richard	Toomey, Kathryn
Turgeon, Roland	Vanderlosk, Stanley	White, John	

MERRIMACK

Daneault, Gabriel	Dunn, Miriam	French, Barbara	Gilbreth, Robert
Moore, Carol	Newland, Matthew	Owen, Derek	Pfaff, Terence
Rogers, Katherine	Soldati, Jennifer	Trombly, Rick	Wallner, Mary Jane
Yeaton, Charles			

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Chester, Sherman	Christie, Andrew, Jr.
Clark, Martha	Coes, Betsy	Crossman, Harold, Jr.	Drake, Herbert
Flanders, David	Groves, Bonnie	Hurst, Sharleene	Hutchinson, Karen
Kane, Cecelia	Kruse, Fred	McGovern, Cynthia	Newman, Rick
O'Keefe, Patricia	Pantelakos, Laura	Pullman, Robert	Ritzo, Eugene
Rosencrantz, James	Smith, Arthur	Splaine, James	St. Martin, Tommy
Syracusa, Anthony	Terninko, Margaret	Vaughn, Charles	Warburton, Calvin
Yennaco, Carol			

STRAFFORD

Brown, George
Dunlap, Patricia
Knowles, William
Merritt, Deborah
Arthur
Wall, Janet

Callaghan, Frank
Gilmore, Gary
Lundborn, Raymond
Nehring, William
Rogers, Rose Marie
Wheeler, Katherine

Chagnon, Ronald
Hashem, Elaine
McCann, William, Jr.
O'Brien, John
Sullivan, Henry

Douglass, Clyde
Hemon, Roland
McGrath, J. Gregory
Pageotte, Donald
Pelletier, Vincent, Francis

SULLIVAN

Allison, David
Flint, Gordon

Burling, Peter
Holl, Ann

Cloutier, John
Kane, Joan

Domini, Irene
Palmer, Lorraine

NAYS 193**BELKNAP**

Cain, Thomas
Holbrook, Robert
Smith, Linda

Campbell, Richard, Jr.
Johnson, Carl
Turner, Robert

Golden, Paul
Rice, Thomas, Jr.
Ziegler, Alice

Hauck, William
Rosen, Ralph

CARROLL

Beach, Mildred
Lyman, L. Randy
Wiggin, Gordon

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Saunders, Howard

Dickinson, Howard, Jr.
Wiggin, Allen

CHESHIRE

Avery, Stephen
Manning, Joseph
Riley, William

Bonneau, Sarah
Metzger, Katherine
Robertson, Timothy

Cole, Stacey
Pearson, Gertrude
Royce, H. Charles

Hunt, John
Perry, David

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Driscoll, William
LaMott, Paul
Scanlan, David
Ward, Kathleen

Brown, Channing
Eaton, Stephanie
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Brown, Patricia
Ham, Bonnie
McIlwaine, Deborah
Trelfa, Richard

Dow, David
Hill, Richard
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Ahrens, Frederick
Bowers, Dorothy
Cowenhoven, Garret
Drolet, Paul
Ferguson, Charles
Holley, Sylvia
Kirby, Thomas
Lozeau, Donnalee
Mercer, Robert
Moore, Elizabeth
Record, Alice
Sargent, Maxwell
Upton, Barbara

Amidon, Eleanor
Burke, M. Virginia
Daniels, Gary
Durham, Susan
Franks, Suzan
Jasper, Shawn
Kurk, Neal
McCann, Bonnie
Messier, Irene
Morello, Michael
Rheault, Lillian
Searles, Stanley, Sr.
Weergang, Alida

Arnold, Barbara
Calawa, Leon, Jr.
Domaingue, Jacquelyn
Dyer, Merton
Gagnon, Eugene
Kelley, Dana
Lachut, Ervin
McCarty, Winston
Mittelman, David
Packard, Bonnie
Rodgers, G. Philip
Smith, Leonard

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Donovan, Francis
Fenton, James
Holden, Carol
Kelley, Robert
Lown, Elizabeth
McRae, Karen
Moncrief, Keith
Peters, Stanley
Rothhaus, Finlay
Tate, Joan

MERRIMACK

Apple, Lowell
Chandler, Earle
Hall, Douglas

Barberia, Richard
Chandler, John
Hill, Michael

Buessing, Marjorie
Feuerstein, Martin
Johnson, C. William

Carter, Susan
Fillion, Paul
Kennedy, Richard

Kidder, William
Regan, Maurice
Weeks, John, Jr.

Langer, Ray
Shaw, Randall
Whalley, Michael

Lockwood, Robert
Stapleton, Henry
Whittemore, James

Nichols, Avis
Teague, Bert
Willis, Jack

ROCKINGHAM

Arndt, Janet
Boucher, William
Conroy, Janet
Dowd, Sandra
Fesh, Robert
Hazelton, Robert
Katsakiores, George
Malcolm, Kenneth
Packard, Sherman
Rubin, George
Stone, Joseph
Welch, David

Battles, Marjorie
Bove, Martin
Cote, Charles
Dowling, Patricia
Flanagan, Natalie
Hemenway, Thomas
Klemarczyk, Thaddeus
McKinney, Betsy
Pratt, Katharin
Senter, Marilyn
Stritch, C. Donald
Weyler, Kenneth

Beaulieu, Jon
Campbell, Marilyn
Cote, Patricia
Dube, LeRoy
Flanders, John, Sr.
Johnson, Bill
Klemm, Arthur, Jr.
Miller, Don
Putnam, Ed, II
Simon, Peter
Sytek, Donna
Williamson, William

Blake, Daniel
Clark, Vivian
Crum, William, Jr.
Felch, Charles, Sr.
Gorman, Donald
Johnson, Robert
Lee, Rebecca
Noyes, Richard
Richards, David
Skinner, Patricia
Sytek, John
Woods, Deborah

STRAFFORD

Hilliard, Dana
McKinley, Robert
Torr, Franklin

Keans, Sandra
Musler, George
Torr, Ralph

Kincaid, William
Spear, Barbara
Wasson, Richard

Loder, Suzanne
Torr, Ann

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Lindblade, Eric
Stamatakis, Carol

Peyron, Fredrik

Rodeschin, Beverly

and the motion failed.
Report adopted.

HB 616-FN-A, providing for property tax relief and making an appropriation therefor.
UGHT TO PASS WITH AMENDMENT

Rep. Barbara Arnold for Ways and Means: This bill as amended establishes the framework for a property tax relief program. It provides rebates on a graduated basis to certain homeowners whose property taxes exceed 10% of their household income. To qualify, the value of the homestead must not exceed the state median purchase price, and household income must not exceed \$40,000. The bill appropriates \$1 to open a budget line for this program, with the hope that funds will be available now or in the future. The fiscal note provides no estimate of cost, but the bill specifies that there be a distribution on a pro rata basis of any amount appropriated for this purpose. The Fiscal Note calls for state expenditures of \$1 in FY 1994. Vote 9-4.

Amendment (1957B)

Amend RSA 72-B:2, IV and V as inserted by section 2 of the bill by replacing them with the following:

IV. "Excess property taxes" means property taxes, based on assessed valuation after the deduction of allowable exemptions to which a claimant may be entitled under RSA 72 and exclusive of special assessments, delinquent interest, and charges for service, assessed as of April 1 on a claimant's homestead in this state, which are in excess of 10 percent of a claimant's household income in the fiscal year in which said April 1 falls. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "excess property taxes" applies to that part of property taxes levied on the homestead which reflects the ownership percentage of the claimant and his household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the property taxes shall be that percentage of the total property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

V. "Homestead" means the dwelling which is owned by a claimant, and so much of the land surrounding it, not exceeding the minimum lot size required in the town or city, as is reasonably necessary for use of the dwelling as a home, which dwelling is occupied as the claimant's principal place of residence for not less than 240 days in a calendar year. A homestead may consist of a part of a multi-dwelling and its proportionate share of the land upon which it is built and other common facilities. In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common. It shall not include personal property such as furniture, furnishings or appliances but manufactured housing may be a homestead. A dwelling and surrounding land shall not be considered a homestead for purposes of this chapter if it has an equalized valuation greater than the most recent median statewide purchase price for single family housing of all ages as calculated on an annual basis by the New Hampshire housing finance authority.

Amend RSA 72-B:2, VIII(a) as inserted by section 2 of the bill by replacing it with the following:

VIII.(a) "Income" means the sum of federal adjusted gross income as defined in the United States Internal Revenue Code of 1986, as amended, plus the following sums to the extent that they are not already included in a household's adjusted gross income: the amount of capital gains excluded from adjusted gross income; alimony; support money; cash public assistance and relief, not including relief under this chapter; nontaxable strike benefits; the gross amount of any pension or annuity, including railroad retirement benefits and veterans disability pensions; amounts deducted for IRA, Keogh retirement plan and self-employed SEP contributions; all compensation received under the Social Security Act and state unemployment laws; nontaxable interest received from the federal government or any of its instrumentalities; interest received from any state or subdivision thereof; workers' compensation; and the gross amount of "loss of time" insurance; less the total personal exemption amount allowable to the household under that code.

Amend the bill by replacing section 4 with the following:

4 Claims for Property Tax Relief. RSA 72-B:3, I(a) is repealed and reenacted to read as follows:

I.(a) A claimant shall be entitled to make claim to the department for property tax relief equal to 50 percent of such claimant's excess property taxes. A claimant shall not be entitled to any property tax relief if there are no excess property taxes or for any excess property taxes which accrued prior to January 1, 1993.

5 Contingency. Section 4 of this act shall take effect if and when the New Hampshire supreme court determines that the provisions of RSA 72-B:3, I(a), as inserted by section 2 of this act, render RSA 72-B unconstitutional. If the New Hampshire supreme court does not make such a determination, section 4 of this act shall not take effect.

6 Effective Date.

I. Section 4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Report adopted and referred to Appropriations.

HB 662-FN-A, relative to adjustments to gross business profits under the business profits tax.
ought to pass with amendment

Rep. Avis B. Nichols for Ways and Means: The Department of Revenue Administration (DRA) felt sections 1 and 2 of the bill do not accomplish what was intended, and it was agreed by both business interests and DRA that these sections should be deleted. The amendment which re-writes section 3 of the bill is a compromise between the business community and the DRA. This section correctly apportions the deductions applicable to instate deductions determining Gross Business Profits under the business profits tax. Vote 13-0.

Amendment (1961B)

Amend the bill by replacing all after the enacting clause with the following:

1 Business Organizations Excluding Certain Income. RSA 77-A:4, X is repealed and reenacted to read as follows:

X. In the case of a business organization which excludes any portion of its gross business profits pursuant to federal constitutional law, an addition to gross business profits for the amount of any deducted expenses related to such excluded portion.

2 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill requires a business organization which excludes any portion of its gross business profits pursuant to federal constitutional law to adjust its gross business profits for purposes of the business profits tax by adding to gross business profits the amount of any deducted expenses related to such excluded portion.

Rep. Nichols yielded to questions.

Adopted.

Report adopted and ordered to third reading.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the Rules be so far suspended as to permit consideration at the present time of the Committee reports on **HB 172-FN**, relative to the oil discharge and disposal cleanup fund, **HB 434-FN**, relative to the assessment of the oil import license fee, **HB 437-FN**, requiring parents involved with child custody or support issues to participate in certain seminars, **HB 645-FN**, repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals, increasing a filing fee charged by the board; and relative to the effect of an abatement appeal on subsequent taxes and **HB 674-FN-A**, establishing an enhanced emissions inspection and maintenance program and establishing a study committee.

Reps. Trombly and Ann Torr spoke in favor.

Adopted by the necessary two-thirds.

HB 172-FN, relative to the oil discharge and disposal cleanup fund. OUGHT TO PASS

Reps. Douglass P. Teschner and Joyce M. Johnson for Ways and Means: This bill is the first to be reported under House Rule Change 46(b) which gives the House oversight of fees. In evaluating these bills, the Committee is using the following initial criteria:

- 1) Is the fee absolutely necessary to implement the policy?
- 2) Is it clear how the fee will be administered?
- 3) Does the fee accurately reflect the direct and indirect costs of implementing the policy?
If not, is there an appropriate reason?
- 4) If the fees collected go into a dedicated fund, can the policy be reasonably implemented without such a dedicated fund? If such a fund is necessary, can the dedicated fund mechanism be modified to insure adequate oversight?

House Bill 172 re-authorizes \$.006 per gallon of oil opened at the time of importation into the state. The money collected provides insurance to cover costs incurred as a result of underground storage tank leaks. Vote 15-0.

Adopted and ordered to third reading.

HB 434-FN, relative to the assessment of the oil import license fee. OUGHT TO PASS

Rep. Joyce M. Johnson for Ways and Means: This bill re-authorizes an assessment of an oil import license fee of \$.001 per gallon for a contingency fund for emergency oil spills. State costs for oil spill responses are then recovered from the responsible parties whenever possible. Vote 16-0.

Adopted and ordered to third reading.

HB 437-FN, requiring parents involved with child custody or support issues to participate in certain seminars. OUGHT TO PASS WITH AMENDMENT

Rep. Douglass P. Teschner for Ways and Means: The amendment changes the fee mechanism so that the cost of attending these seminars is regulated by the marketplace without the need for the state to collect and redistribute the money. A \$6 fee surcharge on custody or child support court proceedings will generate \$30,000 to the general fund (rather than in a dedicated fund as in the original bill). The bill appropriates \$30,000 to the Superior Court to administer the program (including certifying and maintaining a list of qualified presenters and working to ensure course availability. Vote 14-2

Amendment (2035B)

Amend RSA 458-D:1 as inserted by section 2 of the bill by replacing it with the following:

458-D:1 Referral. In the event of any action before any superior court, where the parties are parents of minor children and are involved with child custody and support issues, and upon the establishment of the program described in this chapter, the clerk of court shall, no later than the defendant's or respondent's filing of an appearance, require the parties to attend a 4-hour information session. This session shall be a seminar on how to help the children deal with the issues surrounding divorce, separation, and custody.

Amend RSA 458-D:3 as inserted by section 2 of the bill by replacing it with the following:

458-D:3 Seminar Schedule. The court shall encourage the presenters to schedule courses so that the seminar is available twice monthly in each county unless the county's population warrants otherwise. One parent need not attend the same session as the other parent. In the case of domestic violence, parents shall attend separate sessions. The seminar shall be completed within 45 days of service of the original complaint upon the original defendant.

Amend RSA 458-D:6 as inserted by section 2 of the bill by replacing it with the following:

458-D:6 Costs.

I. The fee for attending this course will be set by the marketplace without the need for the state to collect or regulate the fees.

II. Presenters shall accept some individuals at reduced or no cost and, upon request of the court, must produce evidence of having done so.

III. On the commencement of any custody or support proceeding for which a fee is required, the court shall charge and collect an additional fee of \$6 from the petitioner. These fees shall be in addition to any other fee required by law. These fees shall be deposited into the general fund.

Amend RSA 458-D:7, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The court finds good cause to grant a waiver on any basis it deems appropriate, including domestic violence or indigency. Time extensions may be granted.

Amend RSA 458-D:8, I as inserted by section 2 of the bill by replacing it with the following:

458-D:8 Rulemaking.

I. The chief justice of the superior court, subject to approval by the supreme court, may establish such rules and orders of practice as are appropriate to effectuate this chapter and administer this program including, but not limited to:

(a) Working with the presenters to phase in the program over one year after conducting pilot sessions in one or more counties for at least 3 months to test operation, curriculum, and format. At least one of the pilot programs shall be conducted in a rural county, and one of the pilot programs shall be conducted in an urban county.

(b) Certifying public or nonprofit providers to lead the seminar.

(c) The form and content of presentation.

(d) Any additional factors deemed necessary.

Amend the bill by inserting after section 2 the following and renumbering section 3 to read as 4:

3 The sum of \$30,000 for the fiscal year ending June 30, 1994, is hereby appropriated to the superior court for the purpose of administering the seminars under RSA 458-D. The funds in this appropriation shall not be transferred or expended for any other purposes. The governor is authorized to draw his warrant for said sums out of any money not otherwise appropriated.

Adopted and referred to Appropriations.

HB 645-FN, repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals, increasing a filing fee charged by the board; and relative to the effect of an abatement appeal on subsequent taxes. **OUGHT TO PASS**

Rep. Douglass P. Teschner for Ways and Means: HB 645-FN changes the fee for filing applications to the Board of Land and Tax Appeals from \$40 to \$65. This change was omitted when fees were changed previously and this bill corrects this oversight. Vote 16-0.

Adopted and ordered to third reading.

HB 674-FN, establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglass P. Teschner for Ways and Means: The amendment maintains the fees, as in the Environment and Agriculture Committee version, but eliminates the vehicle emissions inspection fund. The money generated will, instead, be placed in the highway fund from which it can be appropriated for administering the testing program and monitoring air cleanliness. Vote 9-3.

Amendment (2033B)

Amend the bill by deleting section 1 and renumbering the original sections 2-9 to read as 1-8, respectively.

Amend RSA 268:11 as inserted by section 3 of the bill by replacing it with the following:
268:11 Inspection Fee and Funding.

I. The fee per inspection at an emissions inspection station shall equal the sum of the contracted cost, or the weighted average of contracted costs if more than one contractor, of each inspection plus \$2.50 per inspection which shall pay for state costs associated with carrying out the program. The inspection fee shall not vary from one region of the state to another. Of the \$2.50 fee, \$2 shall be designated for the department, and \$.50 for the department of environmental services. The department shall collect from the inspection contractor all \$2.50 fee proceeds, which shall be deposited into the highway fund. All fines and penalties collected under this chapter shall also be deposited into the highway fund.

II. Each vehicle that fails its initial inspection shall be entitled to one free reinspection at an emissions inspection station.

III. The program shall be self-supporting, requiring highway fund appropriations but no general fund appropriations. No state funds shall be used for construction, equipment or operating costs associated with emissions inspection stations.

IV. The advisory committee shall monitor state costs in carrying out the program. If the advisory committee determines, after taking into account the requirements of this chapter, that the state portion of the inspection fee established by this section should be lowered, the advisory committee shall make such recommendation in its annual report under RSA 268:20, III.

V. With the approval of governor and council, the commissioner is authorized to draw upon the highway fund surplus account for start-up costs of the program. Upon the approval of governor and council, the commissioner of environmental services is authorized and shall draw upon the highway fund surplus account for the establishment of 4 additional ozone monitoring stations in those counties that are not presently monitored. In addition to the \$2.50 state fee collected under RSA 268:11, I, a temporary \$.25 fee shall be assessed for the first 2 years of vehicle inspections and shall be deposited into the highway fund surplus account.

Amend RSA 268 as inserted by section 3 of the bill by deleting section 12 and renumbering the original sections 13-23 to read as 12-22, respectively.

Amend RSA 268:2, I as inserted by section 3 of the bill by replacing it with the following:

I. "Advisory committee" means the vehicle emissions advisory committee established in RSA 268:20.

Amend RSA 268:4, III as inserted by section 3 of the bill by replacing it with the following:

III. Subject vehicles of political subdivisions of the state shall be exempt from the inspection fee requirements in RSA 268:11, I and V.

Amend RSA 268:8, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The establishment of a mechanic certification and monitoring program as provided in RSA 268:13.

Amend RSA 268:10, IV(j)(4) as inserted by section 3 of the bill by replacing it with the following:

(4) Inspecting statistical samples of subject vehicles as part of the program evaluation requirements under RSA 268:14.

Amend RSA 268:16, X as inserted by section 3 of the bill by replacing it with the following:

X. Auditing the performance, records and equipment of emissions inspection stations as provided in RSA 268:15, II.

Amend RSA 268:16, XII and XIII as inserted by section 3 of the bill by replacing them with the following:

XII. Establishing procedures for program evaluation as provided in RSA 268:14.

XIII. Enforcement procedures against emissions inspection stations and emissions inspectors, including the adoption of a penalty schedule for violations of emissions inspection procedures as provided in RSA 268:12.

Amend RSA 268:16, XV as inserted by section 3 of the bill by replacing it with the following:

XV. Training, certification and monitoring of mechanics performing emissions-related repairs as provided in RSA 268:13.

Amend RSA 268:16, XVII as inserted by section 3 of the bill by replacing it with the following:

XVII. Establishment and implementation of quality control measures as provided in RSA 268:15, I.

Amend RSA 268:20, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The committee shall also review and make recommendations to the commissioner on any proposed rules to be adopted under RSA 268:16 and also any contract bid specifications and proposals under RSA 268:10.

AMENDED ANALYSIS

This bill establishes an enhanced emissions inspection and maintenance program in Hillsborough, Merrimack, Rockingham and Strafford counties. The commissioner of safety may, with the approval of the governor, include additional counties in the program. The program requires motor vehicles to be maintained to prevent excess emissions of air pollutants in violation of the Clean Air Act.

This bill requires all fees, fines, and penalties collected under the program to be deposited into the highway fund and that the program shall be self-supporting from highway fund appropriations. The bill also establishes a vehicle emissions advisory committee and requires the department of environmental services to conduct a motor vehicle diesel emissions study.

Adopted.

Report adopted and referred to Appropriations.

REMOVED FROM THE TABLE

Rep. John Flanders moved that **HB 625-FN-A**, relative to the sale of fireworks and levying a tax thereon, be removed from the table. (Pending question: Committee report of Re-refer to Committee)

Adopted.

Rep. Welch spoke in favor of the Committee report.

Report adopted.

REVENUE ESTIMATES

Rep. Cowenhoven reported on the Revenue Estimates.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 1, 1993 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 662-FN-A, relative to adjustments to gross business profits under the business profits tax.

HB 172-FN, relative to the oil discharge and disposal cleanup fund.

HB 434-FN, relative to the assessment of the oil import license fee.

HB 645-FN, repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals, increasing a filing fee charged by the board; and relative to the effect of an abatement appeal on subsequent taxes.

(Rep. Michael Hill in the Chair)
UNANIMOUS CONSENT

Rep. Domaingue addressed the House.

(Speaker Burns in the Chair)
SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 223, changing the bureau of off highway recreational vehicles to the bureau of trails and expanding the bureau's duties. (Amendment printed SJ 10, 03/24/93)

Rep. Dickinson moved that the House concur.

Adopted.

Rep. Ann Torr moved that the House stand in recess for the purpose of Introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 2:20 p.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee,

Rep. Jasper offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 2-FN and 53-FN-A, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 2-FN, relative to state fees, funds, revenues and expenditures. (C. Brown, Graf/14, Appropriations)

HB 53-FN-A, repealing the credit to the business profits tax for payment of the nuclear property tax, repealing the nonseverability of the credit to the business profits tax, and reinstating the franchise tax on electric utilities. (Gross, Merr/18; Trombly, Merr/4, to Ways and Means)

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 16

Thursday, April 1, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, God our hope, You bring us to life, call us to freedom and move between us with love. May we so participate in the subtle movements of Your will that our lives may resonate with Your joy. Amen.

Rep. Larson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ahlgren, Record, Chase, Hawkinson, Champagne, Hart, Peyron, Leclerc, Sargent, George Brown and Regan, the day, illness.

Reps. Beverly Gage, Dykstra, Ahrens, David Flanders, Robertson, Richards, Mason, Lundborn, Below, Weergang, Kingsbury, Allen Wiggin, Terninko, Clemons, Gargiulo and Stamatakis, the day, important business.

Rep. Paquette, the day illness in the family.

Reps. Allison, Dunlap, Ralph Torr, Flint, Holl, Palmer, Bonneau, Peters, Eaton, Ruth Gage, Irene Pratt and Braiterman, the day, inclement weather.

INTRODUCTION OF GUESTS

Ruth Owen, Damian, Lourdes, and Nuria Puig, wife and guests of Rep. Owen. Robert DesRochers, guest of Rep. Gagnon.

VACATE

Rep. Bonnie Packard moved that the House vacate the reference of **SB 109**, relative to automobile liability insurance and tort liability for certain motor vehicle operations.

Adopted and referred to Labor, Industrial & Rehabilitative Services.

COMMITTEE ASSIGNMENTS

Reps. Foss and Groves were assigned to the Committee on Executive Departments and Administration.

SENATE MESSAGES**CONCURRENCE**

HB 111, repealing the pre-admission screening program for persons entering intermediate care or skilled nursing facilities.

HB 117, limiting the possessing or taking of marine mammals and prohibiting the taking of a fin fish or crustacean with mobile gear and salmon and striped bass with any netting.

HB 118, repealing the prohibition against fishing on a certain portion of the Winnicut River.

HB 120, mandating that workers' compensation benefits collected under New Hampshire law be the exclusive remedy for a person injured in New Hampshire.

HB 135-FN, exempting certain properties from the long-range planning process prior to the sale of the property by the division of human services.

HB 183-FN, relative to eligibility for parole.

HB 199-FN, requiring municipalities to use state police forms for license applications and licenses to carry pistols and revolvers.

HB 224-FN-L, relative to the organization, accountability and liability of municipal fire departments.

HB 252-FN-L, allowing the wetlands board to adopt rules to expedite the permitting process for minimum impact projects.

HB 255-A, relative to interest rates on short-term borrowing by the state treasurer.

HB 277, extending the powers of heritage commissions to historic district commissions.

- HB 293**, relative to notice to tenants prior to the sale of a manufactured housing park.
- HB 312**, relative to protecting New Hampshire's heritage landmarks and establishing a review process.
- HB 324**, relative to conditional discharge of a patient under the mental health laws.
- HB 405**, relative to financing of manufactured housing.
- HB 426-FN**, establishing a separate account in the oil discharge and disposal cleanup fund to reimburse owners of bulk storage facilities for the costs associated with gasoline and diesel product spillage.
- HB 428-FN-L**, authorizing the county convention for Rockingham county to employ a delegation coordinator.
- HB 460**, allowing the court to order offenders to pay restitution to the victims' assistance fund.
- HB 475**, relative to special permits for the use of crossbows by physically disabled persons.
- HB 488**, authorizing the commissioner of corrections to recommend a prisoner to the adult parole board if the prisoner has completed certain programs or treatment.
- HB 489**, authorizing the establishment of municipal trails.
- HB 562**, relative to meetings regarding security issues in correctional facilities.
- HCR 3**, encouraging the emphasis of United States military history into the school curriculum and directing that November 1993 be designated as "Armed Forces History Month."

REQUESTS CONCURRENCE WITH AMENDMENTS

- HB 241-FN**, creating a committee to study the establishment of procedures for medical decision-making on behalf of patients unable to make decisions for themselves. (Amendment printed SJ 11, 3/25/93)
- Rep. Lockwood moved that the House concur.
Adopted.
- HB 310**, relative to the definition of "bedroom" for the purposes of determining septic system size. (Amendment printed SJ 11, 3/25/93)
- Rep. Conroy moved that the House concur.
Adopted.
- HB 528**, relative to the payment of taxes by electronic funds transfer (Amendment printed SJ 11, 3/25/93)
- Rep. Cowenhoven moved that the House concur.
Adopted.
- HB 598-FN**, authorizing the medical examiner to release corneas in certain cases for use in corneal transplants.
- Rep. Robert Foster moved that the House concur and yielded to questions.
Adopted.

NONCONCURRENCE

- HB 230**, creating a committee to study the allocation of interest resulting from pooled state funds.

RE-REFERRED

- HB 386**, establishing a committee to study the district court system.

ENROLLED BILLS REPORT

- HB 111**, repealing the pre-admission screening program for persons entering intermediate care or skilled nursing facilities.
- HB 118**, repealing the prohibition against fishing on a certain portion of the Winnicut River.
- HB 120**, mandating that workers' compensation benefits collected under NH law be the exclusive remedy for a person injured in NH.
- HB 135**, exempting certain properties from the long-range planning process prior to the sale of the property by the division of human services.
- HB 183**, relative to eligibility for parole.
- HB 199**, requiring municipalities to use state police forms for license applications and licenses to carry pistols and revolvers.

HB 224, relative to the organization, accountability and liability of municipal fire departments.

HB 248, to allow municipalities to decide the number of members who serve on recreation or park commissions.

HB 252, allowing the wetlands board to adopt rules to expedite the permitting process for minimum impact projects.

HB 255, relative to interest rates on short-term borrowing by the state treasurer.

HB 277, extending the powers of heritage commissions to historic district commissions.

HB 281, to change the Salisbury and Warner town lines.

HB 293, relative to notice to tenants prior to the sale of a manufactured housing park.

HB 324, relative to conditional discharge of a patient under the mental health laws.

HB 336, relative to voter registration in cities.

HB 396, establishing a committee to study mechanisms of funding and providing long-term care for the elderly.

HB 405, relative to financing of manufactured housing.

HB 424, permitting the state treasurer to pay the costs of bank services from income generated by the state treasury.

HB 426, establishing a separate account in the oil discharge and disposal cleanup fund to reimburse owners of bulk storage facilities for the costs associated with gasoline and diesel product spillage.

HB 428, authorizing the county convention for Rockingham county to employ a delegation coordinator.

HB 460, allowing the court to order offenders to pay restitution to the victims' assistance fund.

HB 473, exempting certain charitable organizations from certain charitable trust filing fees.

HB 475, relative to special permits for the use of crossbows by physically disabled persons.

HB 488, authorizing the commissioner of corrections to recommend a prisoner to the adult parole board if the prisoner has completed certain programs or treatment.

HB 562, relative to meetings regarding security issues in correctional facilities.

HB 609, designating segments of the Ashuelot River for the rivers management program.

Sen. Currier, Rep. Dunn for the Committee

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 417-FN, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members, was removed at the request of Rep. Ward.

Consent Calendar adopted.

HB 148-FN-A, appropriating funds to prevent deterioration of the Walker building and other state buildings at the New Hampshire hospital. **INEXPEDIENT TO LEGISLATE**

Rep. Neal M. Kurk for Appropriations: The Committee believes that adequate funds for temporary repairs to the Walker building are available in various PAUs and in the capital budget. Additional amounts are inappropriate until the results of the proposed study of the use of the Hospital campus are known. Vote 19-1.

HB 214-FN-A, relative to results of toxicology tests and the salary of the forensic toxicologist and making an appropriation therefor. **OUGHT TO PASS**

Rep. Patricia A. Dowling for Appropriations: This bill increases expenditures by \$47 in FY 1994 and \$2,999 in FY 1995 for the conversion of the forensic toxicologist position from a classified position to an unclassified position. Vote 17-0.

HB 235-FN-A, relative to soil conservation districts and making a supplemental appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Joanne A. O'Rourke for Appropriations: At the request of one of the sponsors, an appropriation of \$20,000 for each year of the biennium will be included in the budget bill, HB 1-A, thereby negating the need for this bill. Vote 17-0.

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers. OUGHT TO PASS

Rep. Gerald P. Merrill for Appropriations: This bill establishes a single state registration system which will comply with federal laws and regulations. This bill should have no fiscal impact on state, county or local revenues or expenditures. Vote 20-1.

HB 400, authorizing the division of water resources to acquire the Oliverian Dam in Benton. OUGHT TO PASS WITH AMENDMENT

Rep. Marie C. Hawkinson for Appropriations: This bill, as amended, transfers the Oliverian Dam and ten other class B and C Fish and Game Dams to the Division of Water Resources for maintenance purposes. The funding for required Emergency Action Plans is now a charge against the Dam Maintenance Fund. Vote 20-1.

Amendment (2006B)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the division of water resources to acquire the Oliverian Dam in Benton and transferring certain dam rights and easements to the division of water resources.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Additional Dams Added. Amend RSA 482:51 by inserting after paragraph VII the following new paragraph:

VIII. The fish and game department.

(a) Alton Power Dam, on the Merrymeeting River, in the town of Alton, known as number 6.02.

(b) Danbury Bog in the town of Danbury, known as number 58.03.

(c) Merrymeeting Lake in the town of New Durham, known as number 170.01.

(d) Jones Pond in the town of New Durham, known as number 170.02.

(e) Fish Hatchery Pond in the town of New Hampton, known as number 173.04.

(f) Moose Falls in the town of Pittsburg, known as number 194.13.

(g) Big Brook Bog in the town of Pittsburg, known as number 194.14.

(h) Stratford Bog Pond in the town of Stratford, known as number 225.04.

(i) Melvin River - Pond in the town of Tuftonboro, known as number 239.01.

(j) Copp's Pond in the town of Tuftonboro, known as number 239.09.

4 Emergency Action Plans Added. Amend RSA 482:57, I to read as follows:

I. Minor projects and emergency repairs, *including emergency action plans*, which may be completed by force account methods by the division of water resources.

5 Intent. The intent of section 3 of this act is to transfer to the division of water resources only the necessary rights and easements in the dams described in section 3 of this act. There shall be no transfer of title to the dams from the fish and game department to the division of water resources.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the department of environmental services, division of water resources, to acquire the Oliverian Dam in Benton.

This bill also transfers the rights and easements of certain dams to the division of water resources and authorizes the dam maintenance fund to be used for any associated repair and maintenance costs.

HB 492-FN-A, relative to the veterans' cemetery committee and site suitability testing for a veterans' cemetery and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Stacey W. Cole for Appropriations: This bill authorizes the Department of Resources and Economic Development to carry out the site search and suitability testing on sites selected by the Veterans Cemetery Committee and extends the date of reporting to the Speaker of the House and President of the Senate to November 1, 1993. Vote 19-0.

Amendment (2008B)

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Reporting Date Extended. Amend 1991, 61:1, IV-V as inserted by 1992, 136:1 to read as follows:

IV. The department of resources and economic development and the department of transportation [shall] *may* carry out the site search and suitability testing on sites selected by the veterans' cemetery committee. The Pease development authority may recommend a suitable site or sites on the former Pease Air Force Base property to the committee.

V. The committee shall report its findings to the senate president and the speaker of the house by November 1, [1992] **1993**.

2 Appropriation Increased. Amend 1992, 136:2 to read as follows:

136:2 Appropriation. The sum of [\$1] **\$60,000** is appropriated *for the fiscal year ending June 30, 1993*, to the legislature for the purposes of *site suitability testing under* section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. *The veterans' cemetery committee is authorized to accept and receive gifts, grants and donations from any source for the purposes of this act. Any gifts, grants or donations received shall be used to reduce the state appropriation made in this section.*

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the reporting date for the veterans' cemetery committee from November 1, 1992 to November 1, 1993. It makes an appropriation for site suitability testing for a veterans' cemetery and provides that the department of resources and economic development and the department of transportation may carry out site search and suitability testing on sites selected by the veterans' cemetery committee.

HB 580-FN-A, relative to the catastrophic illness program fund and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Charles W. Ferguson for Appropriations: Testimony at the hearing was that this bill was to set a level of funding of this activity in the next two years' budget. The committee will consider this when the budget bill is finalized. Vote 18-0.

HB 595-FN, allowing HIV testing for AIDS of a perpetrator of certain crimes at the request of the victim. **OUGHT TO PASS**

Rep. Charles W. Ferguson for Appropriations: Testimony was that the amount of money needed to implement this bill was less than \$1000. It would allow the victim to get the test results and receive counseling. Vote 17-0.

HB 684-A-L, relative to the Wolfboro airport and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Appropriations: The appropriation for land acquisition and improvement of the Wolfboro airport was contingent upon receipt of matching federal and local funds. At town meeting on March 15, the citizens of Wolfboro voted down the bond issue for the local match. Vote 20-0.

HB 688, relative to the felonious use of crossbows. **RE-REFER TO COMMITTEE**

Rep. Bruce F. Hunter for Public Protection and Veterans Affairs: The Committee voted unanimously to re-refer HB 688 to determine if there can be language devised to eliminate the need to create a "laundry list" of potential weapons each time felonious use of an object results in injury or potential injury to victims. The Attorney General's office will participate with the committee in this effort. Vote 12-0.

REGULAR CALENDAR

HB 451-FN, regulating naturopathic health care practice. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.**

Rep. Sandra K. Dowd for the Majority of Executive Departments and Administration: The committee felt that there were more questions than answers as to the method of regulation for this health discipline. The review of this legislation with the laws in the few states that have recognized this alternative means of treatment is not compatible with HB 451. Re-referral will allow the naturopathic doctors (ND) presently practicing in New Hampshire the opportunity to make recommendations dealing with New Hampshire criteria for intervention in the public's right to choose. Vote 12-2.

Reps. Raymond A. Lundborn and Cynthia A. McGovern for the Minority of Executive Departments and Administration: A minority of the committee believes there are no major flaws in the bill as presented, and recommends that this House once again pass this bill, as it did once before, upon passage by the policy committee. Questions raised by the majority are of the type that would be handled by the Board which the naturopath bill creates.

Rep. Copenhaver moved that the words Ought to Pass be substituted for the report of the Committee, Re-refer to Committee and spoke in favor.

Reps. Dowd, Ziegra, Gosselin, Robert Foster and Kathleen Ward spoke against.

Reps. DiPietro, Dunn, French and Katherine Wheeler spoke in favor.

Rep. Trombly requested a quorum count. The Speaker declared a quorum present.

Rep. O'Brien spoke against and yielded to questions.

Rep. Carol Moore spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 147

NAYS 196

**YEAS 147
BELKNAP**

Golden, Paul	Lafiam, Robert	Lawton, David	Salatiello, Thomas
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CARROLL

Allard, Nanci	Bradley, Jeb	Dickinson, Howard, Jr.	Saunders, Howard
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CHESHIRE

Burnham, Daniel	DePecol, Benjamin	Foster, Katherine	Hunt, John
Lynch, Margaret	McGuirk, Paul	McNamara, Wanda	Richardson, Barbara
Russell, Ronald	Smith, Edwin		

COOS

Bradley, Paula	Coulombe, Henry	Mayhew, Josephine	Mears, Edgar
Pratt, Leighton	Wiswell, James		

GRAFTON

Copenhaver, Marion	Crory, Elizabeth	Dow, David	Guest, Robert
McIlwaine, Deborah	Nordgren, Sharon		

HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor	Bergeron, Lucien
Bergeron, Normand	Borsa, Andrew	Bowers, Dorothy	Buckley, Raymond
Calawa, Leon, Jr.	Chabot, Robert	Cote, David	Daigle, Robert
Drabinowicz, A. Theresa	Drolet, Paul	Dwyer, Patricia	Fenton, James
Fields, Dennis	Foster, Linda	Greenberg, Gary	Haettenschwiller, Alphonse
Hall, Betty	Hanselman, Gregory	Holt, Mark	Hunter, Bruce
Jean, Claudette	Jean, Loren	L'Heureux, Robert	Laughlin, J. Francis
Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen	Milligan, Robert
Morrisette, Roland	Nardi, Theodora	O'Rourke, Joanne	Pepino, Leo
Philbrook, Paula	Plourde, Alphonse	Reidy, Frank	Rothhaus, Finlay
Smart, John	Smith, Leonard	Soucy, Donna	Soucy, Richard
Toomey, Kathryn	Upton, Barbara	White, John	

MERRIMACK

Buessing, Marjorie
Hall, Douglas
Moore, Carol
Shaw, Randall
Wallner, Mary Jane

Daneault, Gabriel
Holmes, Mary
Newland, Matthew
Soldati, Jennifer
Ward, Jay

Dunn, Miriam
Houlahan, Thomas
Owen, Derek
Stapleton, Henry
Willis, Jack

French, Barbara
Johnson, Joyce May
Rogers, Katherine
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Flanagan, Natalie
Kane, Cecelia
O'Keefe, Patricia
Splaine, James
Warburton, Calvin

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Gorman, Donald
Lovejoy, Marian
Pantelakos, Laura
St. Martin, Tommy
Weyler, Kenneth

Clark, Martha
Crum, William, Jr.
Groves, Bonnie
McGovern, Cynthia
Pullman, Robert
Syracusa, Anthony

Clark, Vivian
DiPietro, Carmela
Hurst, Sharleene
Newman, Rick
Smith, Arthur
Vaughn, Charles

STRAFFORD

Douglass, Clyde
Hemon, Roland
McCann, William, Jr.
Pelletier, Arthur
Sullivan, Henry

Gilmore, Gary
Hilliard, Dana
Merrill, Amanda
Pelletier, Marsha
Vincent, Francis

Hambrick, Patricia
Knowles, William
Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

Hashem, Elaine
Loder, Suzanne
Nehring, William
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Burling, Peter

Cloutier, John

Domini, Irene

Kane, Joan

NAYS 196**BELKNAP**

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Ziegra, Alice

Cain, Thomas
Hawkins, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Holbrook, Robert
Smith, Linda

Dewhirst, Glenn
Johnson, Carl
Turner, Robert

CARROLL

Beach, Mildred
Lyman, L. Randy

Chandler, Gene
Mock, Henry

Cogswell, Richard
Philbrick, Donald

Foster, Robert
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Metzger, Katherine
Young, David

Cole, Stacey
Pearson, Gertrude

Delano, Robert
Perry, David

Manning, Joseph
Royce, H. Charles

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Hill, Richard
Scanlan, David
Ward, Kathleen

Bean, Pamela
Driscoll, William
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Alson
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

Brown, Channing
Ham, Bonnie
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Andrews, Frederick
Bagley, Amy
Crotty, Edward
Domaingue, Jacquelyn
Eliades, George

Arnold, Barbara
Burke, M. Virginia
Daniels, Gary
Donovan, Francis
Ferguson, Charles

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Desrosiers, William
Durham, Susan
Franks, Suzan

Asselin, Robert
Cowenhoven, Garret
Dodge, Emma
Dyer, Merton
Gagnon, Eugene

Gosselin, Gerald	Healy, Daniel	Holden, Carol	Holley, Sylvia
Jasper, Shawn	Johnson, Lionel	Kelley, Dana	Kelley, Robert
Kirby, Thomas	Kurk, Neal	Lachut, Ervin	Lown, Elizabeth
McCann, Bonnie	McCarty, Winston	McNerney, Daniel	McRae, Karen
Mercer, Robert	Messier, Irene	Mittelman, David	Moncrief, Keith
Moore, Elizabeth	Morello, Michael	Murphy, Robert	Packard, Bonnie
Perkins, Paul	Rheault, Lillian	Riley, Frances	Rodgers, G. Phillip
Searles, Stanley, Sr.	Tate, Joan	Turgeon, Roland	Vanderlosk, Stanley
Wells, Peter, Sr.	Wheeler, Robert	Wright, George	

MERRIMACK

Apple, Lowell	Barberia, Richard	Carter, Susan	Chandler, Earle
Chandler, John	Feuerstein, Martin	Fillion, Paul	Gilbreth, Robert
Gross, Caroline	Hill, Michael	Johnson, C. William	Kennedy, Richard
Kidder, William	Langer, Ray	Lockwood, Robert	Nichols, Avis
Pfaff, Terence	Teague, Bert	Weeks, John, Jr.	Whalley, Michael
Whittemore, James			

ROCKINGHAM

Aranda, M. Kathryn	Ardt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Campbell, Marilyn
Chester, Sherman	Christie, Andrew, Jr.	Conroy, Janet	Cote, Charles
Cote, Patricia	Dowd, Sandra	Dowling, Patricia	Drake, Herbert
Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert	Flanders, John, Sr.
Hemenway, Thomas	Johnson, Bill	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred
Lee, Rebecca	Malcolm, Kenneth	McKinney, Betsy	Miller, Don
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Putnam, Ed, II
Raynowska, Bernard	Ritzo, Eugene	Rosencrantz, James	Rubin, George
Schanda, Joseph, Sr.	Senter, Marilyn	Simon, Peter	Stone, Joseph
Stritch, C. Donald	Sytek, Donna	Sytek, John	Welch, David
Williamson, William	Woods, Deborah	Yennaco, Carol	

STRAFFORD

Brown, Julie	Chagnon, Ronald	Keans, Sandra	Kincaid, William
McGrath, J. Gregory	McKinley, Robert	Musler, George	O'Brien, John
Pageotte, Donald	Spear, Barbara	Torr, Ann	Torr, Franklin
Wasson, Richard			

SULLIVAN

Behrens, Thomas	Lindblade, Eric	Rodeschin, Beverly	Schotanus, Merle
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and the motion failed.
Report adopted.

HB 624-FN, creating a unit within the department of environmental services to certify certain scientists. **OUGHT TO PASS WITH AMENDMENT**

Rep. William P. Boucher for Executive Departments and Administration: The Resources, Recreation and Development Committee determined that the wetland scientists should be certified. This committee, after several false starts and two sub-committee ventures, comes before you with a temporary fix to a problem. RR&D and Environment and Agriculture will be putting together an environmental agency to house both disciplines of "natural scientists" on a permanent basis. Vote 12-2.

Amendment (2063B)

Amend the bill by replacing all after section 3 with the following:

4 New Subdivision; Board of Natural Scientists Established. Amend RSA 21-O by inserting after section 3 the following new subdivision:

Unit for Certification of Natural Scientists

21-O:3-a Purpose. The general court finds that the soil and wetland natural scientists of the state perform valuable functions vital to public and private interest and it is in the best interest of the people of New Hampshire to establish qualifications for those persons who practice the professions of soil science and wetland science. Certification will guard the people of this state and the professions from unqualified practitioners of these natural sciences and will foster intelligent application of the knowledge of these sciences through planning and implementation of land use decisions.

21-O:3-b Definitions. In this subdivision:

I. "Board" means the board of soil scientists or the board of wetland scientists, within the unit for certification of natural scientists.

II. "Certified soil scientist" means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience, as specified by RSA 21-O:3-k, is qualified to practice soil science, and who has been duly certified by the board of soil scientists.

III. "Certified wetland scientist" means a person who, by reason of multidisciplinary expertise in wetland science acquired by professional education and practical experience, as specified by RSA 21-O:3-l, is qualified to practice wetland science, and who has been duly certified by the board of wetland scientists.

IV. "Commissioner" means the commissioner of the department of environmental services.

V. "Multidisciplinary expertise in wetland science" means experience, or a combination of experience, education, and training in multiple scientific disciplines, including but not limited to botany, hydrology, pedology, ecology, biology and geology, and an understanding of the interrelationships of these disciplines to the function and development of wetlands.

VI. "Natural science" means soil science to the board of soil scientists and wetland science to the board of wetland scientists.

VII. "Pedological principles" mean, but are not limited to, the taxonomic identification, classification, and morphological description of soils as natural bodies.

VIII. "Practice of soil science" means any professional service that requires the application of pedological principles to identify, classify, and prepare maps delineating soils according to the standards of the National Cooperative Soil Survey or other standards approved by the board of soil scientists.

IX. "Practice of wetland science" means the ability to delineate, classify, evaluate and describe wetlands according to the standards specified as follows, or other standards approved by the board of wetland scientists:

(a) Delineation of wetland boundaries shall be based on a recognized federal manual for wetland delineation or standards adopted by the state wetlands board.

(b) Classification of wetlands shall be based on the "Classification of Wetlands and Deepwater Habitats of the United States", 1979 or latest edition, as published by the United States Department of the Interior, Fish and Wildlife Service, or a classification system adopted by the state wetlands board.

(c) Evaluation of wetland functions and values shall be based on recognized functional assessment methods or a method adopted by the state wetlands board.

X. "Unit" means the state unit for certification of natural scientists within the office of the commissioner of the department of environmental services.

21-O:3-c Unit for Certification of Natural Scientists Established. There is established within the office of the commissioner of the department of environmental services a unit for certification of natural scientists consisting of each of the officers of the boards established in paragraph IV. The initial unit for certification of natural scientists shall consist of all of the members of the board of soil scientists until the board of wetland scientists has been appointed and its officers elected.

II. The unit shall arrange for the provision of support services with the commissioner, establish an operating budget, and determine the portion of the budget assessed to each board based on its application, certification, and enforcement activities for the previous budgetary period.

III. The unit shall hold at least 2 meetings per year and special meetings at such times as may be necessary. Written notice of each meeting shall be sent to each unit member by the chair-

person, and such notice shall be deemed full and proper notification. The unit shall biennially, or as necessary to fill vacancies, elect or appoint a chairperson, vice-chairperson, and secretary. A quorum of the unit shall consist of at least 4 members.

IV.(a) Two boards are established within the unit for certification of natural scientists: the board of soil scientists and the board of wetland scientists. Each board shall be responsible for the administration of the provisions of this subdivision to scientists practicing their respective natural science. Each board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be certified soil scientists or wetland scientists, as appropriate, and one public member. The initial board members of the board of soil scientists shall be those members appointed to the board of natural scientists under the provisions of RSA 310-A:81 prior to the effective date of this subdivision. The initial board members of the board of wetlands scientists shall meet the educational requirements of RSA 21-O:3-1, I(a) or (b). The public member of each board shall be a person who is not, and never was, a member of the board's profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of services or an activity directly related to the board's profession, including the representation of the board or related profession for a fee at any time during the 5 years preceding the appointment.

(b) Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least 3 years immediately preceding appointment. Each of the appointed professional members shall have actively practiced the board's natural science for at least 6 years prior to appointment and shall have held a responsible position in charge of such work for at least 2 years prior to appointment, which may include the teaching of the board's discipline.

(c) Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only, a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. A member whose term has expired shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

(d) Unit and board members shall be reimbursed per diem and for mileage at a rate set by the unit.

(e) Each board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such manner as rules adopted for the board may provide. Each board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. A quorum of a board shall consist of at least 3 members.

(f) Each board shall adopt an official seal.

21-O:3-d Application. Any person, except as specifically exempted in this subdivision, who practices or offers to practice soil science or wetland science for the general public in this state shall be subject to the provisions of this subdivision.

21-O:3-e Corporations, Partnerships, and Associations. Nothing in this subdivision shall prohibit one or more natural scientists from practicing their profession through a sole proprietorship, partnership, or corporation. In any such entity engaged in the practice of a natural science as defined by this subdivision, at least one partner, officer, or employee shall be certified to practice that science, and all work products relating to the practice of that science shall have the official seal and signature of the certified scientist within that entity responsible for the accuracy of all such work products.

21-O:3-f Exemptions. This subdivision shall not be construed to prevent or affect:

I. The practice of a natural science regulated under this subdivision by a nonresident having no established place of business in this state, when such practice does not exceed in the aggregate more than 30 working days in any calendar year, provided that such persons are legally qualified to practice in their resident state or country in which the requirements and qualifications for obtaining a certificate are not lower than those specified in this subdivision. Practice for any portion of a day shall be deemed to constitute practice for the entire day.

II. The work of an employee or subordinate of a person holding a certificate under this subdivision or any employee or subordinate of a person practicing lawfully under paragraph I, performed under the direct supervision of the certificate holder or person practicing lawfully under paragraph I.

III. The practice of officers and employees of the government of the United States or the state of New Hampshire while engaged within this state in the practice of a natural science for the government.

IV. The practice of wetland science by a duly appointed local conservation commission member in performing duties as a commission member.

21-O:3-g Reciprocity. A nonresident of this state who is certified as a natural scientist in another state may be certified under this subdivision by filing an application with the appropriate board accompanied by a copy of such certification in the other state, and by paying a fee to the unit, provided the applicant's qualifications meet the requirements of this subdivision and the rules adopted by the commissioner.

21-O:3-h Recordkeeping.

I. The unit and each board shall keep a record of its proceedings. Each board shall keep a register of all applications for registrations which shall show the name and residence of each applicant, the date of application, and the place of business of each applicant; the applicant's experience, education and other qualifications; whether or not an examination was required, whether the applicant was rejected and reasons therefor, whether a certificate was granted, and the date of the action by the board; and such other information as the board deems necessary.

II. The records of the unit or a board shall be prima facie evidence of the proceedings of each, and a transcript of such records certified by the secretary of the unit or board shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31 of each even-numbered year, the unit, through the office of the commissioner, shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the unit and boards.

III. During February of each even-numbered year, the secretary of the unit shall publish a roster listing the names, profession and places of business of all natural scientists certified under this subdivision. Copies of this roster, for each profession, shall be mailed to each person certified to practice that profession, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the commissioner. The unit may include in such roster any other information it deems appropriate.

IV. Unit and board members shall maintain records of all expenses incurred per diem and for mileage until such time when sufficient funds have been generated through application or renewal filing fees to offset these costs. At that time, unit and board members may submit vouchers for reimbursement of costs incurred to administer the provisions of this subdivision.

21-O:3-i Rulemaking Authority. The commissioner shall adopt rules pursuant to RSA 541-A, provided that the rules shall be proposed upon the recommendation of the appropriate board or board, relative to, but not limited to:

I. The application procedure for obtaining a certificate to practice under this subdivision.

II. The qualifications of applicants in addition to those requirements under RSA 21-O:3-k or 3-l, including satisfactory evidence of good professional character.

III. How the applicant shall be examined, including the time and place of the examination.

IV. How a certificate to practice under this subdivision shall be renewed, including the requirement for continuing education.

V. The establishment of all fees required under this subdivision.

VI. Ethical and professional standards required to be met by each holder of a certificate under this subdivision, and how disciplinary actions by a board shall be implemented for violations of these standards.

VII. Matters related to the proper administration of this subdivision.

21-O:3-j Additional Powers. Each board shall have the power to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers, and documents in a case involving disciplinary action. Any member of a board may administer oaths or affirmations to witnesses appearing before them. Such subpoenas issued by any member of the board or any justice of the peace shall have the same effect as though issued for appearance before the superior court.

21-O:3-k Qualifications for Certification of Soil Scientists.

I. To be eligible for certification as a soil scientist, a person shall be of high ethical professional standards, have successfully passed an examination designed to determine the proficiency and qualifications to engage in the practice of soil science, and shall have one of the following qualifications:

(a) Be a graduate of an accredited 4-year college curriculum leading to a baccalaureate degree, where the applicant successfully completed 30 semester hours in biological, physical or earth science, including 15 semester hours in soil science, and have a specific record of an additional 3 or more years experience in the practice of soil science.

(b) Be a graduate of an accredited college curriculum leading to a baccalaureate or an associate degree, where the applicant has successfully completed 15 semester hours in soil science, and have a specific record of an additional 4 or more years experience in the practice of soil science.

(c) Be a graduate of an accredited college curriculum leading to a baccalaureate or an associate degree, or the equivalent, and have a specific record of an additional 6 or more years in the practice of soil science.

II. Experience in the practice of soil science shall be of a grade and character that indicates to the board that the applicant is competent to practice as a soil scientist. Experience shall be determined as follows:

(a) Teaching soil science courses or performing research in soil science at an accredited college, university, or institution offering an approved soil science or agronomy curriculum shall be considered as experience in the practice of soil science.

(b) Educational training shall not be considered as experience. Summer employment shall be considered experience for purposes of this section.

(c) Actual field mapping experience in an acceptable apprenticeship program shall count as experience time and shall account for a minimum of one year of the experience requirement.

III. A candidate failing an examination may apply for a re-examination upon payment of an additional fee as determined by the commissioner under rules adopted pursuant to RSA 541-A, and shall be re-examined on the next regularly scheduled semi-annual examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the re-examination.

21-O:3-l Qualifications for Certification of Wetland Scientists.

I. Applicants for certification as wetland scientists shall be of high ethical standards, have successfully passed an examination designed to determine the proficiency and qualifications to engage in the practice of wetland science, and shall have one of the following additional qualifications:

(a) Be a graduate of an accredited college with a baccalaureate or graduate level degree, where the applicant successfully completed a minimum of 30 semester hours in multiple scientific disciplines including any 5 of the following disciplines: ecology, biology, zoology, botany, geology, pedology and hydrology, and have a specific record of an additional 2 or more years' experience in the practice of wetland science.

(b) Be a graduate of an accredited college with a baccalaureate level degree, where the applicant successfully completed a minimum of 20 semester hours in multiple scientific disciplines including any 4 of the following disciplines: ecology, biology, zoology, botany, geology, pedology and hydrology, and have a specific record of an additional 3 or more years' experience in the practice of wetland science.

(c) Be a graduate of an accredited college with a baccalaureate level degree, and have a specific record of 4 or more years' experience in the practice of wetland science.

(d) Be a graduate of an accredited college leading to an associate degree, or the equivalent, and have a specific record of an additional 6 years or more in the practice of wetland science.

II. Experience in the practice of wetland science shall be of a grade and character that indicates to the board that the applicant is competent to practice as a wetland scientist. Experience shall be determined as follows:

(a) Actual wetland delineation, classification, and evaluation experience conducted for scientific research or public or private interests, shall count as experience time and shall account for a minimum of one year of the experience requirement.

(b) Educational training shall not be considered as experience. Summer employment in the practice of wetland science shall be considered experience for the purpose of this section.

(c) The practice of wetland science shall be done under the direct supervision of a certified wetland scientist who shall attest to the accuracy of the information generated.

(d) Teaching wetland delineation, wetland classification, or wetland evaluation courses at an accredited college, university, or institution shall be considered as experience in the practice of wetland science.

(e) An advance degree in a related field may be counted as one year of experience. Advanced degrees may account for no more than one year of experience.

III. Any candidate for certification as a wetland scientist who fails an examination may apply for re-examination upon payment of an additional fee as determined by the commissioner under rules adopted pursuant to RSA 541-A, and shall be re-examined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the re-examination.

21-O:3-m Apprentice. To be eligible for recognition as an apprentice soil scientist or as an apprentice wetland scientist, a person shall have the following qualifications:

I. Be of responsible character.

II. Have completed the formal education requirements under RSA 21-O:3-K, I for soil scientists or RSA 21-O:3-l, I for wetland scientists.

III. Be in training to become a certified natural scientist and be engaged in the practice of the specified natural science under the direct supervision of a certified natural scientist who is performing the specified natural science work.

21-O:3-n Certification Procedure and Certificates.

I. Application for certification shall be on forms prescribed and furnished by each board. Such forms shall include the applicant's educational background, including transcripts from educational institutions attended, a detailed work experience history, and such other information as the commissioner may by rule require. All applications shall be signed under oath by the applicant.

II. Applications shall be approved by a majority vote of the board.

III. Any person who has successfully passed the examination or has otherwise qualified as a certified natural scientist or apprentice natural scientist, shall, upon payment of a fee, be issued a certificate attesting that the applicant is a certified natural scientist or apprentice natural scientist in the specified natural science.

IV. Certificates shall show the full name of the certified natural scientist or apprentice natural scientist, have a serial number, and be signed by the chairperson and secretary of the board under seal of the board. Each certified natural scientist shall obtain a seal of the design authorized by the board bearing the name of the certified natural scientist, the legend "Certified Soil Scientist" or "Certified Wetland Scientist," as appropriate, and a place for the certified natural scientist's signature. Plans and reports prepared by or under the supervision of a certified natural scientist shall be stamped with the seal and signed by the certified natural scientist during the life of the certificate.

21-O:3-o Expiration and Renewal of Certificates.

I. A certification shall expire at 12:00 midnight on December 31, biennially.

II. Certification may be renewed by written application prior to the expiration date, by payment of the prescribed renewal fee, and by evidence of continued practice or study in wetland science according to standards adopted by the appropriate board. The secretary of the board shall notify each certified scientist at least one month prior to expiration of the certification.

III. Failure to remit the biennial renewal fee when due, or to provide sufficient documentation of continuing work or education in wetland science, shall automatically cancel the certification. If properly renewed, a certification shall remain in effect continuously from the date of issuance, unless suspended or revoked by a board for just cause. A person whose certification is

cancelled for such failure may reinstate the certification by paying, within one year of cancellation, all fees due plus a late fee as established by the commissioner under rules adopted pursuant to RSA 541-A, and providing sufficient documentation of continuing work or education in the appropriate natural science.

21-O:3-p Waiver.

I. All certified soil scientists duly certified, prior to the effective date of this subdivision, by the board of natural scientists under the provisions of RSA 310:A-75 - 97, shall be automatically certified under this subdivision and shall retain the same certificate serial number.

II. Any person who has been engaged in the delineation of wetlands, as defined in this subdivision, for a period of no less than 2 years prior to the effective date of this subdivision, may, within one year of the adoption of rules pursuant to RSA 541-A governing the administration of this subdivision as it relates to the practice of wetland science, apply to the board of wetland scientists for certification. Such applicants shall be certified as follows:

(a) Any applicant who meets the educational requirements under RSA 21-O:3-l, I(a), (b), (c), or (d), and who can demonstrate a proficiency in the classification and evaluation of wetlands, as defined in this subdivision, shall be approved for certification by the board without examination. Proficiency shall be demonstrated through experience, as required under RSA 21-O:3-l, II(a), (b), (d), or (e), or by the successful completion of training through courses or seminars approved by the board.

(b) Any applicant who does not meet the educational requirements under RSA 21-O:3-l, I(a), (b), (c), or (d) shall be approved by the board after having successfully passed an examination designed to determine the proficiency and qualifications to engage in the practice of wetland science.

21-O:3-q Fees.

I. The commissioner shall adopt rules under RSA 541-A which establish fees for the following:

- (a) Application for certification by reciprocity.
- (b) Application for certification under examination.
- (c) Biennial renewal for certified natural scientists.
- (d) Application for certification as an apprentice natural scientist.
- (e) Reinstatement fee for a late renewal.
- (f) Replacement of lost or mutilated certificate.

II. The fees established by the commissioner shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the unit and boards for the previous fiscal year.

21-O:3-r Disciplinary Action.

I. A board may undertake disciplinary proceedings:

(a) Upon its own initiative.

(b) Upon written complaint of any person which charges that a person certified by a board has committed misconduct under paragraph II, and which specifies the grounds for such complaint.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a certificate to practice under this subdivision.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct or dishonorable conduct unworthy of and affecting the practice of natural science.

(d) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the professional expertise of the certified natural scientist.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice under this subdivision.

(f) Mental or physical incompetency to practice under this subdivision.

(g) Willful or repeated violation of the provisions of this subdivision.

(h) Suspension or revocation of a certificate, similar to one issued under this subdivision, in another jurisdiction which was not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of certificate for a period of up to 5 years.

(c) By revocation of the certification.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which a deficiency has been found.

21-O:3-s Hearings. A board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, all parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the appropriate board, but no complaints shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date of notice of the complaint received by the named person, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

21-O:3-t Violations; Penalty. Any person who practices or offers to practice a natural science in this state for others without a certificate in accordance with this subdivision, or any person presenting or attempting to use the certificate or seal of another, or any person who gives any false or forged evidence of any kind to the board in obtaining or attempting to obtain a certificate, or any person who falsely impersonates any other certified natural scientist, or any person who attempts to use an expired or nonexistent or revoked certificate or authorization, or any person who violates any of the provisions of this subdivision, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

21-O:3-u Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 21-O:3-t on proceedings brought by the attorney general, the unit or boards, or any society of certified natural scientists duly incorporated under the laws of this state.

5 Initial Rules. Administrative rules Soil 100 through Soil 500, inclusive, adopted by the board of natural scientists, prior to the effective date of this section, under the provisions of RSA 310-A:82 shall be transferred to the unit for certification of natural scientists and the board of soil scientists established by this subdivision, and shall remain in effect as the initial administrative rules to administer the provisions of this subdivision.

6 Prohibition Effective. No prohibition established under this act, relating to the practice of wetland science without a certificate, shall take effect until 6 months after a quorum of the board of wetland scientists has been appointed and qualified and administrative rules for the board of wetland scientists have been adopted.

7 Repeal. RSA 310-A:75-97, relative to the board of natural scientists and the profession of soil scientists, are repealed.

8 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill establishes the unit for certification of natural scientists within the office of the commissioner of environmental services; establishes the board of soil scientists and transfers the provisions applicable to soil scientists under the joint board of engineers, architects, land surveyors, natural scientists, and foresters to the board of natural scientists; and establishes the board of wetland scientists and sets forth criteria and procedure for their certification.

The term "natural science" is expanded to include wetland science, in addition to soil science. Adopted.

Report adopted and ordered to third reading.

HB 653, relative to the practice of optometry. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was referred to the committee, after study by the Health, Human Services and Elderly Affairs committee. This

committee held many public hearings and work sessions on the change of practice of optometry and amended the bill to change the formulary board and increase the scope of practice. This bill does not allow the treatment of sight threatening diseases, such as glaucoma, by optometrists. This care is best left in the hands of the medical specialist of eye diseases, the ophthalmologist. This bill also increases the continuing education requirements of optometrists. Vote 14-0.

Rep. Ward moved Recommit to Committee and spoke in favor.

Adopted.

HB 52-FN-A, relative to certain hospitals exempt from the meals and rooms tax. **OUGHT TO PASS**

Rep. Garret P. Cowenhoven for Ways and Means: This bill eliminates the exemption of acute care hospitals from paying the meals and rooms tax. By enacting this legislation, the second part of the Medicaid enhancement program is put in place. When the House passed the Medicaid enhancement tax (HB 50), it obligated the State to make certain payments to the acute care hospitals. This bill provides for payments of \$55.8 million and \$60 million for fiscal years 1994 and 1995 respectively from the acute hospitals. Vote 9-7.

Reps. Teschner and Cowenhoven spoke in favor.

Rep. Soldati spoke against and yielded to questions.

Rep. Channing Brown spoke in favor and yielded to questions.

Rep. Haettenschwiller spoke against.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 226

NAYS 113

YEAS 226

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph
Ziegra, Alice

Cain, Thomas
Hauck, William
Lafiam, Robert
Salatiello, Thomas

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Smith, Linda

Dewhirst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
Hunt, John
Metzger, Katherine
Smith, Edwin

Burnham, Daniel
Lynch, Margaret
Pearson, Gertrude
Young, David

Cole, Stacey
Manning, Joseph
Perry, David

Delano, Robert
McNamara, Wanda
Royce, H. Charles

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Hill, Richard
Teschner, Douglass
White, Paul

Bean, Pamela
Driscoll, William
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Gordon, Edward
Rose, William
Wadsworth, Karen

Brown, Channing
Ham, Bonnie
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Allen, W. Gordon
Arnold, Thomas, Jr.
Calawa, Leon, Jr.

Amidon, Eleanor
Bagley, Amy
Cepaitis, Elizabeth

Andrews, Frederick
Bowers, Dorothy
Chabot, Robert

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret

Daniels, Gary
 Drolet, Paul
 Fenton, James
 Gagnon, Eugene
 Holley, Sylvia
 Kelley, Dana
 Lachut, Ervin
 McCann, Bonnie
 Mercer, Robert
 Moncrief, Keith
 Perkins, Paul
 Smith, Leonard
 Wells, Peter, Sr.

Desrosiers, William
 Durham, Susan
 Ferguson, Charles
 Greenberg, Gary
 Holt, Mark
 Kelley, Robert
 Lefebvre, Roland
 McCarty, Winston
 Messier, Irene
 Moore, Elizabeth
 Rheault, Lillian
 Tate, Joan
 Wheeler, Robert

Dodge, Emma
 Dyer, Merton
 Fields, Dennis
 Healy, Daniel
 Jasper, Shawn
 Kirby, Thomas
 Lessard, Rudy
 McNemey, Daniel
 Milligan, Robert
 Morello, Michael
 Rodgers, G. Philip
 Upton, Barbara

Domaingue, Jacquelyn
 Eliades, George
 Franks, Suzan
 Holden, Carol
 Jean, Loren
 Kurk, Neal
 Lown, Elizabeth
 McRae, Karen
 Mittelman, David
 Packard, Bonnie
 Seartes, Stanley, Sr.
 Vanderlosk, Stanley

MERRIMACK

Apple, Lowell
 Daneault, Gabriel
 Hall, Douglas
 Kennedy, Richard
 Nichols, Avis
 Whalley, Michael

Barberia, Richard
 Feuerstein, Martin
 Holmes, Mary
 Kidder, William
 Pfaff, Terence
 Whittemore, James

Chandler, Earle
 Gilbreth, Robert
 Houlahan, Thomas
 Langer, Ray
 Shaw, Randall
 Willis, Jack

Chandler, John
 Gross, Caroline
 Johnson, C. William
 Lockwood, Robert
 Stapleton, Henry

ROCKINGHAM

Aranda, M. Kathryn
 Blake, Daniel
 Chester, Sherman
 Cote, Charles
 Dowd, Sandra
 Felch, Charles, Sr.
 Hemenway, Thomas
 Katsakiores, George
 Kruse, Fred
 McKinney, Betsy
 Pullman, Robert
 Rosencrantz, James
 Skinner, Patricia
 Sytek, Donna
 Weyler, Kenneth

Arndt, Janet
 Boucher, William
 Christie, Andrew, Jr.
 Cote, Patricia
 Dowling, Patricia
 Fesh, Robert
 Hurst, Sharleene
 Katsakiores, Phyllis
 Lee, Rebecca
 Miller, Don
 Putnam, Ed, II
 Rubin, George
 Stone, Joseph
 Sytek, John
 Williamson, William

Battles, Marjorie
 Bove, Martin
 Clark, Vivian
 Crossman, Harold, Jr.
 Drake, Herbert
 Flanagan, Natalie
 Johnson, Bill
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Packard, Sherman
 Raynowska, Bernard
 Senter, Marilyn
 Stritch, C. Donald
 Vaughn, Charles
 Woods, Deborah

Beaulieu, Jon
 Campbell, Marilyn
 Conroy, Janet
 Crum, William, Jr.
 Dube, LeRoy
 Flanders, John, Sr.
 Johnson, Robert
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Pratt, Katharin
 Ritzo, Eugene
 Simon, Peter
 Syracuse, Anthony
 Welch, David
 Yennaco, Carol

STRAFFORD

Brown, Julie
 McKinley, Robert
 Spear, Barbara
 Richard

Douglass, Clyde
 Musler, George
 Torr, Ann

Hilliard, Dana
 Nehring, William

Knowles, William
 Pageotte, Donald
 Torr, Franklin Wasson,

SULLIVAN

Behrens, Thomas
 Schotanus, Merle

Domini, Irene

Lindblade, Eric

Rodeschin, Beverly

NAYS 113 BELKNAP

None

CARROLL

Beach, Mildred

CHESHIRE

DePecol, Benjamin
 Russell, Ronald

Foster, Katherine

McGuirk, Paul

Richardson, Barbara

COOS

Bradley, Paula	Coulombe, Henry	Mayhew, Josephine	Mears, Edgar
Wiswell, James			

GRAFTON

Copenhaver, Marion	Crory, Elizabeth	Dow, David	Guest, Robert
McIlwaine, Deborah	Nordgren, Sharon		

HILLSBOROUGH

Ahem, Richard	Asselin, Robert	Bergeron, Lucien	Bergeron, Normand
Borsa, Andrew	Buckley, Raymond	Cote, David	Crotty, Edward
Daigle, Robert	Donovan, Francis	Drabinowicz, A. Theresa	Dwyer, Patricia
Foster, Linda	Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Jean, Claudette	Johnson, Lionel	L'Heureux, Robert
Laughlin, J. Francis	Lozeau, Donnalee	Martin, Mary Ellen	Morrisette, Roland
Murphy, Robert	Nardi, Theodora	O'Rourke, Joanne	Pepino, Leo
Philbrook, Paula	Plourde, Alphonse	Reidy, Frank	Riley, Frances
Rothhaus, Finlay	Smart, John	Soucy, Donna	Soucy, Richard
Toomey, Kathryn	Turgeon, Roland	White, John	Wright, George

MERRIMACK

Dunn, Miriam	French, Barbara	Johnson, Joyce May	Moore, Carol
Newland, Matthew	Owen, Derek	Rogers, Katherine	Soldati, Jennifer
Teague, Bert	Trombly, Rick	Wallner, Mary Jane	Ward, Jay
Weeks, John, Jr.	Yeaton, Charles		

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Clark, Martha	Coes, Betsy
DiPietro, Carmela	Gorman, Donald	Groves, Bonnie	Kane, Cecelia
McGovern, Cynthia	Newman, Rick	Noyes, Richard	O'Keefe, Patricia
Pantelakos, Laura	Schanda, Joseph, Sr.	Smith, Arthur	Splaine, James
St. Martin, Tommy	Warburton, Calvin		

STRAFFORD

Chagnon, Ronald	Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine
Hemon, Roland	Keans, Sandra	Kincaid, William	Loder, Suzanne
McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda	Merritt, Deborah
O'Brien, John	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Sullivan, Henry	Vincent, Francis	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Burling, Peter	Cloutier, John	Kane, Joan
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and the report was adopted.

Ordered to third reading.

Reps. Michael Hill and Carter notified the Clerk that they had conflicts of interest and did not participate.

HB 62-FN-A, relative to the meals and rooms tax for the period beginning July 1, 1993, through June 30, 1995. MAJORITY: OUGHT TO PASS. MINORITY: RE-REFER TO COMMITTEE.

Rep. Garret P. Cowenhoven for Majority of Ways and Means: The passage of this bill retains the tax rate of 8% for the next biennium. The rate of 8% will yield \$97 million and \$100 million for the next two fiscal years. If this bill is not passed and the rate returns to 7%, state revenue will decrease \$12.1 million and \$12.5 million during the biennium. Vote 11-9.

Reps. Joyce Johnson, William McCann, Jennifer Soldati and Donna Soucy for the Minority of Ways and Means: The Minority believes that the majority failed to consider the impact on the

hospitality industry of keeping this tax at eight percent. The Minority believes that a rate of seven and one half percent would be much more fair, and would be consistent with committee action on HB 60 and HB 61. While on both cases the statutory rates are increased, the Committee granted the impacted industries slight relief on the temporary rates. The Minority feels that the Committee should live up to the promises of the previous legislatures to only temporarily increase taxes to balance the budget.

Rep. Donna Soucy moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Rep. Jasper spoke against and yielded to questions.

Rep. Plourde spoke in favor.

Reps. Douglas Hall and Cowenhoven spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 117**NAYS 220****YEAS 117
BELKNAP**

Laflam, Robert

CARROLL

None

CHESHIRE

Avery, Stephen
Manning, Joseph

DePecol, Benjamin
McGuirk, Paul

Foster, Katherine
Richardson, Barbara

Lynch, Margaret
Russell, Ronald

COOS

Bradley, Paula
Wiswell, James

Coulombe, Henry

Mayhew, Josephine

Mears, Edgar

GRAFTON

Copenhaver, Marion
Ham, Bonnie

Crory, Elizabeth
Nordgren, Sharon

Dow, David

Guest, Robert

HILLSBOROUGH

Allen, W. Gordon
Bergeron, Normand
Crotty, Edward
Ferguson, Charles
Hall, Betty
Johnson, Lionel
Lozeau, Donnalee
O'Rourke, Joanne
Reidy, Frank
Soucy, Richard

Asselin, Robert
Borsa, Andrew
Daigle, Robert
Foster, Linda
Hanselman, Gregory
Kirby, Thomas
Martin, Mary Ellen
Pepino, Leo
Rothhaus, Finlay
Toomey, Kathryn

Bagley, Amy
Buckley, Raymond
Drabinowicz, A. Theresa
Gosselin, Gerald
Holt, Mark
L'Heureux, Robert
Morrissette, Roland
Philbrook, Paula
Smart, John
Turgeon, Roland

Bergeron, Lucien
Cote, David
Dwyer, Patricia
Haettenschwiller, Alphonse
Jean, Claudette
Laughlin, J. Francis
Nardi, Theodora
Plourde, Alphonse
Soucy, Donna
White, John

MERRIMACK

Dunn, Miriam
Moore, Carol
Soldati, Jennifer
Yeaton, Charles

French, Barbara
Newland, Matthew
Trombly, Rick

Gilbreth, Robert
Owen, Derek
Wallner, Mary Jane

Johnson, Joyce May
Rogers, Katherine
Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Newman, Rick
Pullman, Robert
Schanda, Joseph, Sr.
Warburton, Calvin

Campbell, Marilyn
Gorman, Donald
Noyes, Richard
Ritzo, Eugene
Smith, Arthur

Caswell, Albert, Jr.
Kane, Cecelia
O'Keefe, Patricia
Rosencrantz, James
Splaine, James

Clark, Martha
McGovern, Cynthia
Pantelakos, Laura
Rubin, George
St. Martin, Tommy

STRAFFORD

Chagnon, Ronald
Hemon, Roland
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Gilmore, Gary
Knowles, William
Merrill, Amanda
Pelletier, Marsha
Vincent, Francis

Hambrick, Patricia
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

Hashem, Elaine
McCann, William, Jr.
O'Brien, John
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Burling, Peter

Cloutier, John

Kane, Joan

NAYS 220**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Salatiello, Thomas

Cain, Thomas
Hauck, William
Lawton, David
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Burnham, Daniel
McNamara, Wanda
Royce, H. Charles

Cole, Stacey
Metzger, Katherine
Smith, Edwin

Delano, Robert
Pearson, Gertrude

Hunt, John
Perry, David

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Bean, Pamela
Driscoll, William
McLwaine, Deborah
Trelfa, Richard

Brown, Alson
Gordon, Edward
Rose, William
Wadsworth, Karen

Brown, Channing
Hill, Richard
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Desrosiers, William
Drolet, Paul
Fields, Dennis
Healy, Daniel
Jean, Loren
Lachut, Ervin
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Perkins, Paul
Searles, Stanley, Sr.
Vanderlosk, Stanley

Amidon, Eleanor
Bowers, Dorothy
Chabot, Robert
Dodge, Emma
Durham, Susan
Franks, Suzan
Holden, Carol
Kelley, Dana
Lessard, Rudy
McNerney, Daniel
Milligan, Robert
Morello, Michael
Rheault, Lillian
Smith, Leonard
Wells, Peter, Sr.

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Domaingue, Jacquelyn
Eliades, George
Gagnon, Eugene
Holley, Sylvia
Kelley, Robert
Lown, Elizabeth
McRae, Karen
Mittelman, David
Murphy, Robert
Riley, Frances
Tate, Joan
Wheeler, Robert

Arnold, Barbara
Calawa, Leon, Jr.
Daniels, Gary
Donovan, Francis
Fenton, James
Greenberg, Gary
Jasper, Shawn
Kurk, Neal
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Packard, Bonnie
Rodgers, G. Philip
Upton, Barbara
Wright, George

MERRIMACK

Apple, Lowell
Chandler, John

Barberia, Richard
Daneault, Gabriel

Carter, Susan
Feuerstein, Martin

Chandler, Earle
Gross, Caroline

Hall, Douglas
Johnson, C. William
Lockwood, Robert
Stapleton, Henry
Willis, Jack

Hill, Michael
Kennedy, Richard
Nichols, Avis
Teague, Bert

Holmes, Mary
Kidder, William
Pfaff, Terence
Whalley, Michael

Houlihan, Thomas
Langer, Ray
Shaw, Randall
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Christie, Andrew, Jr.
Cote, Patricia
Dowd, Sandra
Felch, Charles, Sr.
Groves, Bonnie
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Pratt, Katharin
Simon, Peter
Syracusa, Anthony
Welch, David
Yennaco, Carol

Arndt, Janet
Boucher, William
Clark, Vivian
Crossman, Harold, Jr.
Dowling, Patricia
Fesh, Robert
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Putnam, Ed, II
Skinner, Patricia
Sytek, Donna
Weyler, Kenneth

Battles, Marjorie
Bove, Martin
Conroy, Janet
Crum, William, Jr.
Drake, Herbert
Flanagan, Natalie
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
Miller, Don
Raynowska, Bernard
Stone, Joseph
Sytek, John
Williamson, William

Beaulieu, Jon
Chester, Sherman
Cote, Charles
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Johnson, Bill
Klemarczyk, Thaddeus
Lovejoy, Marian
Packard, Sherman
Senter, Marilyn
Strich, C. Donald
Vaughn, Charles
Woods, Deborah

STRAFFORD

Brown, Julie
Kincaid, William
Pageotte, Donald
Wasson, Richard

Douglass, Clyde
McKinley, Robert
Spears, Barbara

Hilliard, Dana
Musler, George
Torr, Ann

Keans, Sandra
Nehring, William
Torr, Franklin

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Domini, Irene

Lindblade, Eric

Rodeschin, Beverly

and the motion failed.

Report adopted and ordered to third reading.

Rep. McIlwaine notified the Clerk that she voted nay and meant to vote yea.

HB 60-FN-A, setting a rate for the communications services tax. **OUGHT TO PASS**

Rep. Garret P. Cowenhoven for Ways and Means: This bill decreases the effective rate of the communication services tax for the next biennium to 5.50 percent from the current 6 percent rate. The rate of 5.5 percent will be in effect for the next two fiscal years and will return to 3 percent starting in July 1995. The rate of 5.5 percent will yield \$29.3 million and \$31.2 million for the next two fiscal years. If this bill is not passed, state revenues will decrease \$13.3 million and \$14.2 million during the biennium. Vote 12-8.

Rep. Cowenhoven spoke in favor and yielded to questions.

Rep. Joyce Johnson spoke against.

Rep. Kurk spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 231

NAYS 105

YEAS 231 BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Salatiello, Thomas

Cain, Thomas
Hauck, William
Lawton, David
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Hunt, John
Perry, David

Burnham, Daniel
Manning, Joseph
Royce, H. Charles

Cole, Stacey
McNamara, Wanda
Smith, Edwin

Delano, Robert
Pearson, Gertrude

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Patricia
Ham, Bonnie
Scanlan, David
Ward, Kathleen

Bean, Pamela
Dow, David
Hill, Richard
Teschner, Douglass
White, Paul

Brown, Alson
Driscoll, William
McIlwaine, Deborah
Trelfa, Richard

Brown, Channing
Gordon, Edward
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Ahem, Richard
Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Crotty, Edward
Domaingue, Jacquelyn
Dyer, Merton
Franks, Suzan
Holden, Carol
Jasper, Shawn
Kirby, Thomas
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Packard, Bonnie
Rodgers, G. Phillip
Turgeon, Roland
Wheeler, Robert

Amidon, Eleanor
Bagley, Amy
Cepaitis, Elizabeth
Daniels, Gary
Donovan, Francis
Eliades, George
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
Kurk, Neal
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Perkins, Paul
Searles, Stanley, Sr.
Upton, Barbara
Wright, George

Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Drolet, Paul
Fenton, James
Greenberg, Gary
Holt, David
Kelley, Dana
Lachut, Ervin
McNemey, Daniel
Milligan, Robert
Morello, Michael
Rheault, Lillian
Smith, Leonard
Vanderlosk, Stanley

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Durham, Susan
Fields, Dennis
Healy, Daniel
Holt, Mark
Kelley, Robert
Lown, Elizabeth
McRae, Karen
Mittelman, David
Murphy, Robert
Riley, Frances
Tate, Joan
Wells, Peter, Sr.

MERRIMACK

Apple, Lowell
Chandler, John
Gilbreth, Robert
Holmes, Mary
Kidder, William
Pfaff, Terence
Whalley, Michael

Barberia, Richard
Daneault, Gabriel
Gross, Caroline
Houlahan, Thomas
Langer, Ray
Shaw, Randall
Whittemore, James

Carter, Susan
Dunn, Miriam
Hall, Douglas
Johnson, C. William
Lockwood, Robert
Stapleton, Henry
Willis, Jack

Chandler, Earle
Feuerstein, Martin
Hill, Michael
Kennedy, Richard
Nichols, Avis
Ward, Jay

ROCKINGHAM

Arndt, Janet
Boucher, William
Christie, Andrew, Jr.
Cote, Patricia
Dowd, Sandra
Felch, Charles, Sr.
Groves, Bonnie

Battles, Marjorie
Bove, Martin
Clark, Vivian
Crossman, Harold, Jr.
Dowling, Patricia
Fesh, Robert
Hemenway, Thomas

Beaulieu, Jon
Campbell, Marilyn
Conroy, Janet
Crum, William, Jr.
Drake, Herbert
Flanagan, Natalie
Hurst, Sharlene

Blake, Daniel
Chester, Sherman
Cote, Charles
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Johnson, Bill

Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Senter, Marilyn
Stone, Joseph
Sytek, John
Williamson, William

Katsakiores, George
Kruse, Fred
McKinney, Betsy
Pratt, Katharin
Simon, Peter
Stritch, C. Donald
Vaughn, Charles
Woods, Deborah

Katsakiores, Phyllis
Lee, Rebecca
Miller, Don
Putnam, Ed, II
Skinner, Patricia
Syracusa, Anthony
Welch, David
Yennaco, Carol

Klemarczyk, Thaddeus
Lovejoy, Marian
Noyes, Richard
Raynowska, Bernard
Smith, Arthur
Sytek, Donna
Weyler, Kenneth

STRAFFORD

Brown, Julie
McKinley, Robert
Spear, Barbara

Douglass, Clyde
Musler, George
Torr, Ann

Hilliard, Dana
Nehring, William
Torr, Franklin

Keans, Sandra
Pageotte, Donald
Wasson, Richard

SULLIVAN

Behrens, Thomas

Lindblade, Eric

Rodeschin, Beverly

Schotanus, Merle

NAYS 105 BELKNAP

Lafiam, Robert

CARROLL

None

CHESHIRE

DePecol, Benjamin
Richardson, Barbara

Foster, Katherine
Russell, Ronald

Lynch, Margaret

McGuirk, Paul

COOS

Bradley, Paula

Mayhew, Josephine

Mears, Edgar

Wiswell, James

GRAFTON

Guest, Robert

Larson, Nils, Jr.

Nordgren, Sharon

HILLSBOROUGH

Allen, W. Gordon
Borsa, Andrew
Drabinowicz, A. Theresa
Gosselin, Gerald
Jean, Claudette
Lessard, Rudy
Nardi, Theodora
Plourde, Alphonse
Soucy, Donna

Asselin, Robert
Buckley, Raymond
Dwyer, Patricia
Haeftenschwiller, Alphonse
Johnson, Lionel
Lozeau, Donnalee
O'Rourke, Joanne
Reidy, Frank
Soucy, Richard

Bergeron, Lucien
Cote, David
Ferguson, Charles
Hall, Betty
L'Heureux, Robert
Martin, Mary Ellen
Pepino, Leo
Rothhaus, Finlay
Toomey, Kathryn

Bergeron, Normand
Daigle, Robert
Foster, Linda
Hanselman, Gregory
Laughlin, J. Francis
Morrissette, Roland
Philbrook, Paula
Smart, John
White, John

MERRIMACK

French, Barbara
Owen, Derek
Trombly, Rick

Johnson, Joyce May
Rogers, Katherine
Walner, Mary Jane

Moore, Carol
Soldati, Jennifer
Weeks, John, Jr.

Newland, Matthew
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Coes, Betsy
Newman, Rick
Ritzo, Eugene
Splaine, James

Bell, Juanita
Gorman, Donald
O'Keefe, Patricia
Rosencrantz, James
St. Martin, Tommy

Caswell, Albert, Jr.
Kane, Cecelia
Pantelakos, Laura
Rubin, George
Warburton, Calvin

Clark, Martha
McGovern, Cynthia
Pullman, Robert
Schanda, Joseph, Sr.

STRAFFORD

Chagnon, Ronald
Hemon, Roland

Gilmore, Gary
Kincaid, William

Hambrick, Patricia
Knowles, William

Hashem, Elaine
Loder, Suzanne

McCann, William, Jr.
O'Brien, John
Snyder, Clair
Wheeler, Katherine

McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

Merrill, Amanda
Pelletier, Marsha
Vincent, Francis

Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

SULLIVAN

Burling, Peter

Cloutier, John

Kane, Joan

and the report was adopted.

Ordered to third reading.

HB 61-FN-A, relative to the rate of the real estate transfer tax. OUGHT TO PASS

Rep. Garret P. Cowenhoven for Ways and Means: This bill decreases the effective rate of the Real Estate Transfer Tax for the biennium to \$.50 per \$100 from the current \$.525 per \$100. The rate of \$.50 per \$100 will be in effect for the next two fiscal years and will return to the base rate of \$.35 per \$100 in July 1995. The rate of \$.50 per \$100 will yield \$27.6 million and \$28.6 million for the next two fiscal years. If this bill is not passed, state revenues will decrease \$9.7 million and \$10.0 million during the biennium. Vote 12-8.

Reps. Barbara Arnold and Teschner spoke in favor.

Rep. Plourde spoke against.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 227

NAYS 106

YEAS 227

BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Salatiello, Thomas

Cain, Thomas
Hauck, William
Lawton, David
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Mock, Henry

CHESHIRE

Avery, Stephen
Hunt, John
Pearson, Gertrude

Burnham, Daniel
Manning, Joseph
Perry, David

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Metzger, Katherine
Smith, Edwin

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Ham, Bonnie
Teschner, Douglass
White, Paul

Bean, Pamela
Dow, David
Hill, Richard
Trelfa, Richard

Brown, Alson
Driscoll, William
Rose, William
Wadsworth, Karen

Brown, Channing
Gordon, Edward
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Amidon, Eleanor
Bagley, Amy
Cepaitis, Elizabeth
Daniels, Gary
Donovan, Francis

Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Drolet, Paul

Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Durham, Susan

Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Crotty, Edward
Domaingue, Jacquelyn
Dyer, Merton

Eliades, George
Gagnon, Eugene
Holden, Carol
Jasper, Shawn
Kelley, Robert
Lefebvre, Roland
McNerney, Daniel
Milligan, Robert
Morello, Michael
Rodgers, G. Philip
Vanderlosk, Stanley

Fenton, James
Greenberg, Gary
Holley, Sylvia
Jean, Loren
Kirby, Thomas
Lown, Elizabeth
McRae, Karen
Mittelman, David
Packard, Bonnie
Searles, Stanley, Sr.
Wells, Peter, Sr.

Fields, Dennis
Hanselman, Gregory
Holt, David
Johnson, Lionel
L'Heureux, Robert
McCann, Bonnie
Mercer, Robert
Moncrief, Keith
Perkins, Paul
Tate, Joan
Wheeler, Robert

Franks, Suzan
Healy, Daniel
Holt, Mark
Kelley, Dana
Lachut, Ervin
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Riley, Frances
Turgeon, Roland
Wright, George

MERRIMACK

Apple, Lowell
Chandler, John
Gross, Caroline
Houlahan, Thomas
Langer, Ray
Shaw, Randall
Whalley, Michael

Barberia, Richard
Daneault, Gabriel
Hall, Douglas
Johnson, C. William
Lockwood, Robert
Stapleton, Henry
Whittemore, James

Carter, Susan
Feuerstein, Martin
Hill, Michael
Kennedy, Richard
Nichols, Avis
Teague, Bert
Willis, Jack

Chandler, Earle
Gilbreth, Robert
Holmes, Mary
Kidder, William
Pfaff, Terence
Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Christie, Andrew, Jr.
Cote, Patricia
Dowling, Patricia
Fesh, Robert
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
Miller, Don
Pullman, Robert
Simon, Peter
Stritch, C. Donald
Vaughn, Charles
Woods, Deborah

Arndt, Janet
Boucher, William
Clark, Vivian
Crossman, Harold, Jr.
Drake, Herbert
Flanagan, Natalie
Hurst, Sharleene
Katsakiores, Phyllis
Lee, Rebecca
Noyes, Richard
Putnam, Ed, II
Skinner, Patricia
Syracusa, Anthony
Welch, David
Yennaco, Carol

Battles, Marjorie
Campbell, Marilyn
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Flanders, John, Sr.
Johnson, Bill
Klemarczyk, Thaddeus
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Smith, Arthur
Sytek, Donna
Weyler, Kenneth

Beaulieu, Jon
Chester, Sherman
Cote, Charles
Dowd, Sandra
Felch, Charles, Sr.
Groves, Bonnie
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Senter, Merilyn
Stone, Joseph
Sytek, John
Williamson, William

STRAFFORD

Brown, Julie
McKinley, Robert
Spear, Barbara

Douglass, Clyde
Musler, George
Torr, Ann

Hilliard, Dana
Nehring, William
Torr, Franklin

Keans, Sandra
Pageotte, Donald
Wasson, Richard

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Domini, Irene

Lindblade, Eric

Rodeschin, Beverly

NAYS 106

BELKNAP

Laflam, Robert

CARROLL

None

CHESHIRE

DePecol, Benjamin
Russell, Ronald

Lynch, Margaret

McGuirk, Paul

Richardson, Barbara

COOS

Bradley, Paula	Coulombe, Henry	Mayhew, Josephine	Mears, Edgar
Wiswell, James			

GRAFTON

Guest, Robert	Larson, Nils, Jr.	Mclwaine, Deborah	Nordgren, Sharon
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HILLSBOROUGH

Ahern, Richard	Allen, W. Gordon	Asselin, Robert	Bergeron, Lucien
Bergeron, Normand	Borsa, Andrew	Buckley, Raymond	Cote, David
Daigle, Robert	Drabinowicz, A. Theresa	Dwyer, Patricia	Ferguson, Charles
Foster, Linda	Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty
Jean, Claudette	Laughlin, J. Francis	Lessard, Rudy	Lozeau, Donnalee
Martin, Mary Ellen	Morrisette, Roland	Murphy, Robert	Nardi, Theodora
O'Rourke, Joanne	Pepino, Leo	Philbrook, Paula	Plourde, Alphonse
Reidy, Frank	Rheault, Lillian	Rothhaus, Finlay	Smart, John
Smith, Leonard	Soucy, Donna	Soucy, Richard	Toomey, Kathryn
Upton, Barbara	White, John		

MERRIMACK

Dunn, Miriam	French, Barbara	Johnson, Joyce May	Moore, Carol
Newland, Matthew	Owen, Derek	Rogers, Katherine	Soldati, Jennifer
Trombly, Rick	Wallner, Mary Jane	Weeks, John, Jr.	Yeaton, Charles

ROCKINGHAM

Bell, Juanita	Caswell, Albert, Jr.	Clark, Martha	Coes, Betsy
Crum, William, Jr.	Gorman, Donald	Kane, Cecelia	Lovejoy, Marian
O'Keefe, Patricia	Pantelakos, Laura	Ritzo, Eugene	Rosencrantz, James
Rubin, George	Schanda, Joseph, Sr.	Splaine, James	St. Martin, Tommy
Warburton, Calvin			

STRAFFORD

Chagnon, Ronald	Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine
Hemon, Roland	Kincaid, William	Knowles, William	Loder, Suzanne
McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda	Merritt, Deborah
O'Brien, John	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Sullivan, Henry	Vincent, Francis	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Burling, Peter	Cloutier, John	Kane, Joan
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and the report was adopted.

Ordered to third reading.

HB 465-FN-A, extending the surcharge on the real estate transfer tax. **INEXPEDIENT TO LEGISLATE**

Rep. Garret P. Cowenhoven for Ways and Means: The subject matter of this bill is already addressed in HB 61-FN-A. Therefore, the committee voted this bill "Inexpedient to Legislate".
Vote 16-0.

Adopted.

HB 587-FN-A, extending the surcharge on the communications services tax. **INEXPEDIENT TO LEGISLATE**

Rep. Garret P. Cowenhoven for Ways and Means: The subject matter of this bill is already addressed in HB 60-FN-A. Therefore, the committee voted this bill "Inexpedient to Legislate".
Vote 18-0.

Adopted.

HB 593-FN-A, extending the surcharge on the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Garret P. Cowenhoven for Ways and Means: The subject matter of this bill is already addressed in HB 62-FN-A. Therefore, the committee voted this bill "Inexpedient to Legislate". Vote 12-5.

Adopted.

HB 417-FN, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Franklin G. Torr for Appropriations: The amendment insures any supplementary allowance will not reduce the respective component of the special account to an amount less than zero. The bill provides a 5 percent cost of living adjustment for all group II permanent policemen beneficiaries as of July 1, 1993 who retired before June 30, 1991. Vote 18-0.

Amendment (2029B)

Amend RSA 100-A:41-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the respective component of the special account to an amount less than zero.

AMENDED ANALYSIS

As of July 1, 1993, this bill grants all group II permanent policemen beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before June 30, 1991, an additional allowance of 5 percent.

The bill also provides that no supplemental allowance shall be granted or increased if that would reduce the funds in the member component of the special account which is used to fund the supplemental allowance to an amount less than zero.

Adopted.

Rep. Ward spoke in favor.

Report adopted and ordered to third reading.

Rep. Arthur Pelletier notified the Clerk that he had a conflict of interest and did not participate.

RESOLUTION

Rep. Gross the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 8, 1993 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 214-FN-A, relative to results of toxicology tests and the salary of the forensic toxicologist and making an appropriation therefor.

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers.

HB 400, authorizing the division of water resources to acquire the Oliverian Dam in Benton and transferring certain dam rights and easements to the division of water resources.

HB 492-FN-A, relative to the veterans' cemetery committee and site suitability testing for a veterans' cemetery and making an appropriation therefor.

HB 595-FN, allowing HIV testing for AIDS of a perpetrator of certain crimes at the request of the victim.

HB 624-FN, creating a unit within the department of environmental services to certify certain scientists.

HB 52-FN-A, relative to certain hospitals exempt from the meals and rooms tax.

HB 62-FN-A, relative to the meals and room tax for the period beginning July 1, 1993, through June 30, 1995.

HB 60-FN-A, setting a rate for the communications services tax.

HB 61-FN-A, relative to the rate of the real estate transfer tax.

HB 417-FN, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members.

UNANIMOUS CONSENT

Rep. Nardi addressed the House by Unanimous Consent.

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 4:45 p.m.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee,

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Joint Resolutions numbered 3 and 4, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HJR_s

First, second reading and referral

HJR 3, requiring the department of health and human services to clarify the rules for the use of medicaid disproportionate share payments. (Soldati, Merr/21; Cowenhoven, Hills/14; McLane, Dist/15; Hollingworth, Dist/23, to Ways and Means)

HJR 4, stating that it is the intent of the general court that the division of public health services and the fish and game department protect the water quality of shellfish producing waters and restore shellfish resources to the public as soon as possible. (Drake, Rock/24; Felch, Rock/21, to Wildlife and Marine Resources)

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 17

Thursday, April 8, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, God of new life, enter into the places of our lives where we have crowded out miracles and imagination, and where even hope has been abandoned. Come, O God, with healing in Your wings, to cast out our fears, to dispel our self-righteousness and to call us beyond our clinging to what is familiar. Bring us out of our various captivities that we may love passionately, speak boldly, live gracefully and risk everything for Your sake. Amen.

Rep. Buckley led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ahlgren, Record, Mc Nerney and Lovejoy, the day, illness.

Reps. Whalley, Crossman, Richards, Crory and Ruth Gage, the day, important business.

Rep. Tate, the day, illness in the family.

INTRODUCTION OF GUESTS

Joan Noyes, wife of Rep. Noyes. Michael Davis, guest of Rep. Hilliard. Sky Trimble, guest of Rep. Lockwood. Dr. & Mrs. George Hamilton, guests of Rep. Ziegler.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 69-FN, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL**First, second reading referral**

SB 69-FN, relative to pricing and use of promotion funds by the liquor commission. (Regulated Revenues)

SENATE MESSAGES**CONCURRENCE**

HB 116, relative to fly fishing on the Connecticut River.

HB 159, designating a portion of the OHRV registration fees for trail acquisition.

HB 253, designating a portion of funds collected under the oil pollution control fund to train and equip personnel in oil spill response.

HB 261-FN, transferring ownership of the Seabrook Commercial Fish Pier to the town of Seabrook.

HB 295, requiring commercial establishments that offer public docking or launching facilities to provide toilet facilities.

HB 326, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession.

HB 398, relative to driver education reciprocity.

HB 555, relative to freshness dating on sandwiches.

HB 577, allowing municipalities to post warnings regarding the ice on great ponds.

HB 631, modifying administrative penalties to be paid to the director of safety services and deposited into the boat safety fund.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 457, making fee splitting or accepting fees for referrals by pharmacists or pharmacies, or ownership of a pharmacy by a licensed practitioner, grounds for suspension or revocation of a pharmacy license. (Amendment printed SJ 12, 4/1/93)

Rep. Bonnie Packard moved that the House concur.
Adopted.

HB 137, lowering the level for legal intoxication under the DWI laws from .10 to .08. (Amendment printed SJ 12, 4/1/93)

Rep. Donna Sytek moved that the House concur, spoke in favor and yielded to questions.
Adopted.

HB 603-FN-L, relative to energy efficiency in state facilities. (Amendment printed SJ 12, 4/1/93)

Rep. Kathleen Ward moved that the House concur.
Adopted.

SPECIAL GUESTS

The Student Exchange Choir from Neustadt, Germany, the sister city of Manchester, sang for the House.

The Choir was under the direction of Hagen Volf. The Student Exchange Coordinator, Albert Lauritz Rasmussen presented the Governor and Rep. Domaingue with gifts of appreciation.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 433-FN-L, providing a cost of living adjustment for group I and group II retirement system members, was removed at the request of Rep. Kathleen Ward.

SB 42, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work, was removed at the request of Rep. Copenhaver.

Consent Calendar adopted.

HB 163-FN, establishing a leaking underground storage tank cost recovery fund. OUGHT TO PASS

Rep. Charles L. Vaughn for Appropriations: The Leaking Underground Storage Tank (LUST) Trust cooperative agreement between the U.S. Environmental Protection Agency (EPA) and New Hampshire's Department of Environmental Services (DES) requires that federal monies spent to clean up LUST sites be cost recovered. The proposed legislation will establish an account which is specific to the collection and expenditure of federal LUST Trust cost recovered monies. The legislation will have no fiscal impact. Vote 18-0.

HB 196-FN, relative to the method for financing additional benefits for retirement system members. OUGHT TO PASS

Rep. David E. Cote for Appropriations: This bill reduces the funded ratio for each member classification in the retirement system special account from 125 to 120 percent. The funded ratio is used to determine how the earnings of the remaining assets of the system are allocated to the four member classifications for the purpose of funding additional retirement benefits. The retirement system actuary has determined that this bill will have no fiscal impact. Vote 14-2.

HB 205-FN-A, relative to the statewide education improvement and assessment program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Jacquelyn M. Domaingue for Appropriations: The appropriation requested to fund this program has been removed from the bill, to avoid duplication of funding. This appropriation will appear as a separate line item in the Department of Education's budget. Vote 19-0.

Amendment (2092B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the statewide education improvement and assessment program.

Amend the bill by deleting sections 3 and 4 and renumbering sections 5 and 6 to read as 3 and 4, respectively.

Amend the bill by replacing section 4 with the following:
4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire statewide education improvement and assessment program, and sets forth criteria for the development and implementation of the program.

HB 440-FN, providing cost of living adjustments for certain employee members of the retirement system. OUGHT TO PASS

Rep. Stacey W. Cole for Appropriations: This bill grants retired members of Group I who retired prior to July 1, 1991 an additional allowance (COLA) of one percent. In addition it grants to members who retired prior to July 1, 1985 an additional allowance (COLA) of two percent. Vote 17-0.

HB 459-FN-A, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Charles W. Ferguson for Appropriations: The Committee had problems in allocating state dollars prior to application for the grant, and had questions on the matching amounts. It felt the program would be worthwhile and by re-referring would know next session whether money would be available and in what amounts. Vote 15-0.

HB 462-FN, relative to the victims' assistance fund. OUGHT TO PASS

Rep. Franklin G. Torr for Appropriations: Funds for this program are derived from fines and grants. There is no fiscal impact on the general fund. Vote 18-0.

HB 594, relative to medical and surgical benefits for group I and group II retired employees and relative to the payment of medical benefits to certain group II retirement system members. OUGHT TO PASS WITH AMENDMENT

Rep. David E. Cote for Appropriations: This bill merely clarifies the provision that Group II members of the retirement system are eligible for medical and surgical benefits when they retire, and that they needn't first meet the definition of "retired employee" under RSA 21-I:30. The bill additionally allows a vested deferred retiree to receive such benefits when he becomes eligible for service retirement. The amendment makes only technical corrections. Vote 19-0.

Amendment (2049B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to medical and surgical benefits for
group I and group II retired employees.

Amend the bill by replacing section 1 with the following:

1 Retired Employee Defined. Amend the introductory paragraph of RSA 21-I:30, II to read as follows:

II. For the purposes of this section, "retired employee" means *each group II state employee who retires. "Retired employee" also means each group I state employee who:*

Amend the bill by deleting sections 3-5 and renumbering section 6 to read as 3.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill clarifies the provision that group II members of the New Hampshire retirement system are eligible for medical and surgical benefits when they retire, and that they do not need to first meet the definition of a "retired employee" under RSA 21-I:30.

The bill also allows a vested deferred state retiree to receive medical and surgical benefits when he becomes eligible for service retirement, rather than when he reaches age 60.

HB 607-FN, relative to the plea-by-mail program. OUGHT TO PASS WITH AMENDMENT

Rep. Joanne A. O'Rourke for Appropriations: The Committee strongly felt that the plea-by-mail program should be funded by the DWI bench warrant fund as current law states in Chapter 257:27, Laws of 1992 rather than the highway fund. Vote 17-0.

Amendment (2046B)

Amend the bill by replacing section 2 with the following:

2 Funding. The department of safety may draw upon the DWI bench warrant fund with the approval of the legislative fiscal committee and the governor and council for the purposes of implementing the provisions of 1992, 257:23-26. Notwithstanding the provisions of RSA 21-P:23, moneys shall not be transferred from the highway surplus account for such funding.

This bill:

(1) Makes it a default for a defendant to fail to appear for a scheduled court appearance or to fail to enter a plea-by-mail for motor vehicle violations.

(2) Allows the director of the division of motor vehicles to impose a fine for the default.

(3) Allows the court to issue a bench warrant for any defendant who defaults or fails to pay a fine for a motor vehicle violation.

(4) Allows the department of safety to use the DWI bench warrant fund money to implement the plea-by-mail program.

HB 663-FN, making technical corrections to the securities laws and repealing 2 obsolete provisions regarding corporate stock. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Appropriations: In the transfer of securities regulation to the Department of Justice and Secretary of State, several defects were noted in the RSAs. This bill corrects those problems. Vote 18-0.

Amendment (2112B)

Amend RSA 421-B:6, II as inserted by section 4 of the bill by replacing it with the following:

II. It is unlawful for any broker-dealer, issuer-dealer, and investment adviser to employ an agent unless the agent is licensed. Under this chapter, an agent's license is only in effect when such agent is associated with a particular broker-dealer or a particular issuer. No agent shall at any time represent more than one broker-dealer or issuer-dealer, except that where broker-dealers affiliated by direct common control are licensed under this chapter, an agent may represent any such broker-dealer. When an agent begins or terminates those activities which make him an agent, the broker-dealer, issuer-dealer and investment adviser shall promptly notify the secretary of state.

Amend the bill by replacing section 17 with the following:

17 Fund Made Nonlapsing. Amend RSA 421-B:21, II-c to read as follows:

II-c. The state treasurer shall pay the expenses of investor education conducted pursuant to RSA 421-B:26, IV out of [any money in the treasury not otherwise appropriated until] *the investor education fund consisting of* the funds collected pursuant to RSA 421-B:26, I, II, and III. [have been received by him. Thereafter, he shall pay the expenses of conducting investor education out of funds collected under RSA 421-B:26, I, II, and III and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this paragraph out of any money in the treasury not otherwise appropriated.] *The investor education fund shall be nonlapsing and continually appropriated for the purpose of paying the expenses of investor education.*

Amend the bill by replacing section 26 with the following:

26 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (zz) the following new subparagraph:

(aaa) Moneys received under RSA 421-B:26, I, II, and III, which shall be credited to the investor education fund established in RSA 421-B:21, II-c.

SB 142, intercepting the sweepstakes winnings of delinquent child support payors. OUGHT TO PASS

Rep. Dorothy C. Bowers for Children, Youth and Juvenile Justice: This bill allows for the sweepstakes winnings of any person in arrears on child support payments to be withheld and paid toward that arrearage. Robert Brotherton representing the Sweepstakes Commission testified the Commission is for the bill and said the cost to start the program would be minimal. Vote 13-1.

SB 221-FN, relative to grandparents' visitation rights. OUGHT TO PASS

Rep. Dorothy C. Bowers for Children, Youth and Juvenile Justice: The subject matter of SB 221-FN is identical to HB 578 as amended and passed by the House last month. The sponsor of HB 578 is a co-sponsor of SB 221-FN. Vote 13-1.

HB 692, transferring rulemaking authority from the current use board to the chairman of the current use board. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Scanlan for Environment and Agriculture: HB 692 will streamline the process for enacting the administrative rules for the Current Use Board. The Chairman of the Current Use Board will have the responsibility of walking proposed changes recommended by the Current Use Board through the administrative rules process. Vote 18-0.

Amendment (2105B)

Amend the title of the bill by replacing it with the following:

AN ACT

transferring rulemaking authority from the current use board to the chairman of the current use board, who will implement the recommendations of the board.

Amend RSA 79-A:4, IV as inserted by section 1 of the act by replacing it with the following:

IV. The *chairman of the board* shall adopt rules, pursuant to RSA 541-A, for *the schedule of criteria and current use values as recommended by the board, and for other forms and procedures* as are needed to implement this chapter *consistent with board recommendations* and to assure a fair opportunity for owners to qualify under this chapter and to assure compliance of land uses on classified lands.

SB 37, adding and redefining terms relative to the New Hampshire pharmacy board. OUGHT TO PASS

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: This bill adds the definition of "compounding" having to do with the preparation, mixing, assembling, packaging or labeling of a drug as a result of a prescription order. The bill also defines "manufacturing" in the context of drug preparation and further redefines the word "wholesaler," which means a person with facilities in or outside this state who obtains drugs for distribution or delivery for entities other than consumers. These are amendments to the New Hampshire Pharmacy Board. Vote 14-0.

SB 44, adding to the membership of the emergency shelter commission. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill expands the public membership of the Emergency Shelter Commission from one (1) to three (3) members. The amendment adds the chairman of the Christa McAuliffe Planetarium Foundation to the Christa McAuliffe Planetarium Commission. Vote 12-0.

Amendment (2011B)

Amend the title of the bill by replacing it with the following:

AN ACT

adding to the membership of the emergency shelter commission and the Christa McAuliffe planetarium commission.

Amend the bill by replacing section 2 with the following:

2 Reference Deletion. Amend RSA 21-K:10 to read as follows:

21-K:10 Commission Established. There is hereby established a Christa McAuliffe planetarium commission [consisting of 9 members] to manage the planetarium to be constructed at the New Hampshire technical institute.

3 Reference to Members. Amend the introductory paragraph of RSA 21-K:11 by replacing it with the following:

The [9] members of the commission shall be appointed as follows:

4 New Paragraph; Member Added. Amend RSA 21-K:11 by inserting after paragraph IV the following new paragraph:

V. The chairman of the Christa McAuliffe Planetarium Foundation.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds 2 public members to the emergency shelter commission.

The bill also adds the chairman of the Christa McAuliffe Planetarium Foundation to the Christa McAuliffe planetarium commission.

SB 46, relative to involuntary transfer or discharge of patients in health care facilities. OUGHT TO PASS

Rep. Michael Morello for Health, Human Services and Elderly Affairs: This bill brings New Hampshire law in compliance with federal law. This bill has been requested by the Department of Health and Human Services. The patient's rights continue to be protected administratively and legally. The committee feels that this bill enhances the patient's protection. The bill ensures that the patient receives the appropriate treatment for his/her illness. Vote 14-0.

SB 123, relative to protection from infection by the human immunodeficiency virus and the hepatitis B virus. OUGHT TO PASS

Rep. Marilyn Senter for Health, Human Services and Elderly Affairs: The committee believes that it is important to have a process in place, which an infected individual can follow to ensure the protection of the public as well as the confidentiality of the individual. Vote 14-0.

SB 125, changing the name of the task force established for women at risk for alcohol and other abuse during pregnancy. OUGHT TO PASS

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: SB 125 changes the name of the task force on prenatal chemical dependency to the task force on perinatal chemical dependency. The use of "perinatal" signifies a changing process in the task force during its two-year focus to encompass neonatal and postnatal as well as prenatal. The bill also adds two members to the task force: The director of the New Start Program at St. Joseph's Hospital and the assistant director of the New Life Ministries of New England, Inc., Residential Program for Women. Vote 14-0.

SB 20, relative to representation of business organizations in small claims court. OUGHT TO PASS

Rep. Rick G. Newman for Judiciary: This bill allows a company to be represented in a small claims action by any person from the company it chooses. This change will keep small companies from paying unneeded legal fees. Vote 14-0.

SB 38, protecting against unauthorized access to teacher certification records. OUGHT TO PASS

Rep. Robert A. Lockwood for Judiciary: All public personnel records are now exempt from public access under RSA 91-A:5 of the Right-to-Know Law. This bill extends to teacher certification records retained by the state Department of Education, the same right of privacy that now exists when they are part of personnel files in the local school districts. Vote 11-1.

SB 114, relative to minors' settlements. OUGHT TO PASS

Rep. Edward M. Gordon for Judiciary: Presently any legal settlement in excess of \$5,000 made on behalf of a minor requires court approval. This approval is often time consuming and the expense can consume a substantial portion of the settlement amount. This bill raises the court approval level to \$10,000. The committee believes this is in the best interests of the minor. Vote 13-0.

SB 116, relative to reporting of treatment or assistance given to victims of domestic abuse and requiring physicians and hospitals to use domestic violence protocol as adopted by the department of justice. OUGHT TO PASS WITH AMENDMENT

Rep. Henry P. Mock for Judiciary: This legislation excepts persons rendering treatment or assistance in cases of sexual assault or domestic violence from reporting the same if requested by the victim. Gunshot wounds and other serious bodily injury must still be reported as required by statute. Vote 12-0.

Amendment (2115B)

Amend RSA 631:6, II as inserted by section 1 of the bill by replacing it with the following:

II. A person who has rendered treatment or assistance is excepted from the reporting provisions of paragraph I if the person seeking or receiving treatment or other assistance: (a) is 18 years of age or older, (b) has been a victim of a sexual assault offense *or abuse as defined in RSA 173-B:1*, and (c) objects to the release of any information to law enforcement officials. This exception shall not apply if the sexual assault or abuse victim is also being treated for a gunshot wound or other [life threatening] *serious bodily* injury.

Amend RSA 21-M:8-d as inserted by section 2 of the bill by replacing it with the following:

21-M:8-d Standardized Rape Protocol and Kit *and Domestic Violence Protocol*. The department of justice shall adopt, pursuant to RSA 541-A, and implement rules establishing a standardized rape protocol and kit *and a domestic violence protocol* to be used by all physicians or hospitals in this state when providing physical examinations of victims of alleged sexual offenses *and alleged domestic abuse, as defined in RSA 173-B:1*.

AMENDED ANALYSIS

This bill exempts persons treating certain domestic violence victims from reporting requirements.

This bill repeals the requirement that a law enforcement report form shall be given to certain victims for completion.

This bill requires the department of justice to adopt a domestic violence protocol to be used by physicians and hospitals.

HB 693, legalizing the actions of the Kingston town meeting. OUGHT TO PASS

Rep. Kenneth L. Weyler for Municipal and County Government: Due to technical problems, the Kingston Town Report was not available to the voters in pamphlet form seven days prior to the meeting. This is a requirement of RSA 41:14. The warrant, however, was properly posted. A large majority of the Town Meeting voted to hold the meeting as scheduled. The Town Meeting was almost unanimous in wishing to have its actions approved by this legislature. Vote 14-0.

SB 27, establishing a committee to study the apportionment of county taxes. RE-REFER TO COMMITTEE

Rep. Richard Noyes for Municipal and County Government: The subject matter proposed for study in this bill is part of the broader subject the Municipal and County Government Committee intends to examine this year. The Committee believes unanimously, therefore, that the extent of need for this specific study could better be determined after the more comprehensive review has been made. Vote 14-0.

SB 41, permitting selectmen to accept dedicated streets which have been approved by the planning board. OUGHT TO PASS

Rep. Robert M. Fesh for Municipal and County Government: This bill spells out how dedicated streets will be accepted by towns. This bill also constitutes what makes up an acceptance and creates a legal acceptance. It eliminates a current confusion in the law. Vote 15-0.

SB 84, relative to the disposition of land use fees by municipalities. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government: This bill does not address the issue which the sponsor presented. As proposed it would result in considerable internal inconsistency within existing statute. The sponsor's concern is covered by RSA 674:21-V (c). Vote 18-0.

SB 14, relative to package deals sponsored by liquor licensees. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This bill clarifies RSA 179:42 and allows liquor licensees to promote single price package deals that include lodging, food, beverages, and liquor or any combination thereof. Vote 16-0.

Amendment (2139B)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 18, increasing the amount of damage required to necessitate reporting a boating accident. OUGHT TO PASS

Rep. Gordon E. Bartlett for Transportation: This brings the state into compliance with federal guidelines. Vote 11-0.

SPECIAL ORDER

Reps. Gross and Trombly moved the **HB 51-FN-A**, relative to establishing a tax on business enterprise value tax base and amending the business profits tax and business corporation act, be made a special order to be considered at the present time.

Adopted.

HB 51-FN-A, relative to establishing a tax on business enterprise value tax base and amending the business profits tax and business corporation act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Avis B. Nichols for the Majority of Ways and Means: This bill will help stabilize the cash flow to the state so it will be less susceptible to swings in the economy. **HB 51** does the following to help business: (1) It lowers the BPT from 8% to 7 1/2% in 1994 and to 7% in 1995. (2) It also repeals the franchise tax and the bank franchise tax. (3) It reduces business filing fees from \$100 to \$35. The BPT is imposed at the rate of one quarter of one percent (.0025) and is a credit against the BPT. This credit is carried forward for five years. The bill calls for a 2/3 vote of both the House and Senate to change the amount of this tax. No business has to file for the BPT unless their gross income is \$100,000. Vote 10-9.

Reps. Joyce M. Johnson, Jennifer G. Soldati, William H. McCann, Ronald R. Chagnon, Donna M. Soucy, Alphonse O. Plourde, Bonnie D. Ham and Jack F. Weeks for the Minority of Ways and Means: This committee has only had 20 days to deliberate this new tax and a major change to New Hampshire's business tax policy. A bipartisan minority asks for the opportunity to look at the impact of the 20-plus amendments which were given to the committee only the day before the committee vote and additional policy items that need to be addressed which were only debated the day of the vote. Since this bill has been purported to be revenue neutral, voting referral will not have any effects on revenue estimates this coming biennium.

Rep. Plourde moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Reps. Cowenhoven and Jasper spoke against and yielded to questions.

Reps. Ham, William McCann, Newman, Gorman and Lozeau spoke in favor and yielded to questions.

Reps. Nichols and Donna Sytek spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 170

NAYS 211

**YEAS 170
BELKNAP**

Hauck, William

Salatiello, Thomas

CARROLL

Bradley, Jeb

CHESHIRE

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Foster, Katherine

Kingsbury, H. Thayer

Lynch, Margaret

Manning, Joseph

McGuirk, Paul

Pratt, Irene

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Young, David

COOS

Bradley, Paula

Coulombe, Henry

Harwell, Tyler

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

Wiswell, James

GRAFTON

Below, Clifton

Brown, Patricia

Copenhaver, Marion

Gordon, Edward

Guest, Robert

Ham, Bonnie

LaMott, Paul

Larson, Nils, Jr.

McIlwaine, Deborah

Nordgren, Sharon

Scanlan, David

Teschner, Douglass

HILLSBOROUGH

Ahem, Richard
 Bagley, Amy
 Buckley, Raymond
 Crotty, Edward
 Durham, Susan
 Foster, Linda
 Hall, Betty
 Jean, Claudette
 Leclerc, Charles
 Milligan, Robert
 Nardi, Theodora
 Plourde, Alphonse
 Smart, John
 Turgeon, Roland

Ahrens, Frederick
 Bergeron, Lucien
 Cepaitis, Elizabeth
 Daigle, Robert
 Dwyer, Patricia
 Gervais, Glen
 Hanselman, Gregory
 Johnson, Lionel
 Lessard, Rudy
 Moore, Elizabeth
 O'Rourke, Joanne
 Reidy, Frank
 Soucy, Donna
 Weergang, Alida

Allen, W. Gordon
 Bergeron, Normand
 Clemons, Jane
 Donovan, Francis
 Eliades, George
 Gosselin, Gerald
 Holley, Sylvia
 Kirby, Thomas
 Lozeau, Donnalee
 Morrisette, Roland
 Paquette, Rodolphe
 Rheault, Lillian
 Soucy, Richard
 White, John

Asselin, Robert
 Borsa, Andrew
 Cote, David
 Drabinowicz, A. Theresa
 Ferguson, Charles
 Haettenschwiller, Alphonse
 Holt, David
 Laughlin, J. Francis
 Martin, Mary Ellen
 Murphy, Robert
 Philbrook, Paula
 Rothhaus, Finlay
 Toomey, Kathryn

MERRIMACK

Braiterman, Thea
 Johnson, Joyce May
 Regan, Maurice
 Trombly, Rick

Daneault, Gabriel
 Moore, Carol
 Rogers, Katherine
 Wallner, Mary Jane

Dunn, Miriam
 Newland, Matthew
 Soldati, Jennifer
 Weeks, John, Jr.

French, Barbara
 Owen, Derek
 Teague, Bert
 Yeaton, Charles

ROCKINGHAM

Bell, Juanita
 Coes, Betsy
 Gorman, Donald
 Johnson, Bill
 Newman, Rick
 Rosencrantz, James
 St. Martin, Tommy

Campbell, Marilyn
 Dowling, Patricia
 Groves, Bonnie
 Kane, Cecelia
 O'Keefe, Patricia
 Schanda, Joseph, Sr.
 Teminko, Margaret

Caswell, Albert, Jr.
 Fesh, Robert
 Hemenway, Thomas
 McGovern, Cynthia
 Packard, Sherman
 Simon, Peter
 Vaughn, Charles

Clark, Martha
 Gargiulo, Louis
 Hutchinson, Karen
 Miller, Don
 Pantelakos, Laura
 Splaine, James
 Woods, Deborah

STRAFFORD

Brown, George
 Gilmore, Gary
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Rogers, Rose Marie
 Vincent, Francis

Brown, Julie
 Hambrick, Patricia
 Keans, Sandra
 McCann, William, Jr.
 O'Brien, John
 Snyder, Clair
 Wall, Janet

Callaghan, Frank
 Hashem, Elaine
 Knowles, William
 McGrath, J. Gregory
 Pelletier, Arthur
 Sullivan, Henry
 Wheeler, Katherine

Chagnon, Ronald
 Hemon, Roland
 Loder, Suzanne
 Merrill, Amanda
 Pelletier, Marsha
 Torr, Ralph

SULLIVAN

Allison, David
 Kane, Joan

Burling, Peter
 Palmer, Lorraine

Cloutier, John
 Stamatakis, Carol

Holl, Ann

NAYS 211**BELKNAP**

Bartlett, Gordon
 Golden, Paul
 Laflam, Robert
 Smith, Linda

Cain, Thomas
 Hawkins, Robert
 Lawton, David
 Turner, Robert

Campbell, Richard, Jr.
 Holbrook, Robert
 Rice, Thomas, Jr.
 Ziegler, Alice

Dewhirst, Glenn
 Johnson, Carl
 Rosen, Ralph

CARROLL

Allard, Nanci
 Dickinson, Howard, Jr.
 Philbrick, Donald

Beach, Mildred
 Foster, Robert
 Saunders, Howard

Chandler, Gene
 Lyman, L. Randy
 Wiggins, Allen

Cogswell, Richard
 Mock, Henry
 Wiggins, Gordon

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Perry, David
Royce, H. Charles	Smith, Edwin		

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
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GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Chase, Paul, Jr.	Dow, David	Driscoll, William	Eaton, Stephanie
Hill, Richard	Rose, William	Trelfa, Richard	Wadsworth, Karen
Ward, Kathleen	White, Paul		

HILLSBOROUGH

Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert
Cowenhoven, Garret	Daniels, Gary	Desrosiers, William	Dodge, Emma
Domaingue, Jacquelyn	Drolet, Paul	Dyer, Merton	Dykstra, Leona
Fenton, James	Fields, Dennis	Franks, Suzan	Gagnon, Eugene
Greenberg, Gary	Hart, Nick	Healy, Daniel	Holden, Carol
Holt, Mark	Hunter, Bruce	Jasper, Shawn	Jean, Loren
Kelley, Dana	Kelley, Robert	Kurk, Neal	L'Heureux, Robert
Lachut, Ervin	Lefebvre, Roland	Lown, Elizabeth	Mason, Howard
McCann, Bonnie	McCarty, Winston	McRae, Karen	Mercer, Robert
Messier, Irene	Mittelman, David	Moncrief, Keith	Morello, Michael
Packard, Bonnie	Pepino, Leo	Perkins, Paul	Peters, Stanley
Riley, Frances	Sallada, Roland	Sargent, Maxwell	Searles, Stanley, Sr.
Smith, Leonard	Upton, Barbara	Vanderlosk, Stanley	Wells, Peter, Sr.
Wheeler, Robert	Wright, George		

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Carter, Susan	Chandler, Earle
Chandler, John	Feuerstein, Martin	Fillion, Paul	Gilbreth, Robert
Gross, Caroline	Hall, Douglas	Hill, Michael	Holmes, Mary
Houlahan, Thomas	Johnson, C. William	Kennedy, Richard	Kidder, William
Langer, Ray	Lockwood, Robert	Nichols, Avis	Pfaff, Terence
Shaw, Randall	Stapleton, Henry	Ward, Jay	Whittemore, James
Willis, Jack			

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Chester, Sherman
Christie, Andrew, Jr.	Clark, Vivian	Conroy, Janet	Cote, Charles
Cote, Patricia	Crum, William, Jr.	DiPietro, Carmela	Dowd, Sandra
Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.	Flanagan, Natalie
Flanders, David	Flanders, John, Sr.	Gage, Beverly	Hazelton, Robert
Hurst, Sharleene	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca
Malcolm, Kenneth	McKinney, Betsy	Moore, Benjamin	Noyes, Richard
Pratt, Katharin	Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard
Ritzo, Eugene	Rubin, George	Senter, Merilyn	Skinner, Patricia
Smith, Arthur	Stone, Joseph	Stritch, C. Donald	Syracusa, Anthony
Sytek, Donna	Sytek, John	Warburton, Calvin	Welch, David
Weyler, Kenneth	Williamson, William	Yennaco, Carol	

STRAFFORD

Douglass, Clyde
Musler, George
Torr, Ann

Dunlap, Patricia
Nehring, William
Torr, Franklin

Kincaid, William
Pageotte, Donald
Wasson, Richard

McKinley, Robert
Spear, Barbara

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon
Schotanus, Merle

Lindblade, Eric

and the motion failed.

Rep. Klemm notified the Clerk that he voted yea and meant to vote nay.

Amendment (2143B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that the many business enterprises conducting activities within New Hampshire and employing valuable resources, derive substantial benefits from the regulation, protection and other public infrastructure provided by state government through its general and enterprise fund expenditures. The general court also finds that the general business economy is moving away from capital intensive investment to an economy based on service related investment. The general court therefore declares that in the interest of reforming the general taxation of business enterprises to more equitably allocate the costs of state government it is appropriate to enact a new business enterprise tax to be imposed uniformly and proportionally on a distinct class of property defined in this act as "enterprise value tax base." The general court further declares that in the interest of allocating the burden of taxation more equitably among all business organizations, it is advisable to amend the current business profits tax, RSA 77-A, and lower its rate, as well as to repeal the current bank tax, RSA 84, and corporate franchise fees in their entirety.

2 Reference Added for Business Enterprise Tax. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in RSA 77:18-b, RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 84-A:7, or RSA 84-B:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

3 Reference Changes. Amend RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, *RSA 77-E*, RSA 78-A, RSA 78-C, RSA 82-A, RSA 83-C, [RSA 84-A,] or RSA 84-B, for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

4 Reference Change. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the state and county treasurers respectively; [all taxes under RSA 84:1 to 6;] all taxes duly voted in their towns; and all school, schoolhouse, and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33.

5 Business Profits Tax; Qualified Investment Companies. Amend RSA 77-A:1, XXI to read as follows:

XXI. "Qualified investment company" means a regulated investment company as defined in section 851 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX, *an organization that is an investment company under the Investment Company Act of 1940 as amended*, or an organization that would be an investment company under the Investment Company Act of 1940, as amended, except for the exemption provided by section 3(c)(1) of said Investment Company Act, provided, however, a qualified investment company shall limit its activities to

investment activities and those incidental to or in support of such activities and shall submit certification that it satisfies the requirements to be classified as a qualified investment company to the commissioner no later than 9 months subsequent to commencement of its investment activities. Upon petition, the commissioner may accept an untimely submission of such certification, which acceptance shall not be unreasonably withheld.

6 Business Profits Tax Rate; Fiscal Year 1994. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [8] 7.5 percent upon the taxable business profits of every business organization.

7 Business Profits Tax Rate; Fiscal Year 1995. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [7.5] 7 percent upon the taxable business profits of every business organization.

8 Factors Used in Apportionment Factors Adjusted. Amend the introductory paragraph of RSA 77-A:3, II(a) to read as follows:

(a) A fraction, the numerator of which shall be the property factor in subparagraph I(a) plus the compensation factor in subparagraph I(b) plus [1.5 multiplied by] the sales factor in subparagraph I(c) and the denominator of which is [3.5] 3, shall be applied to the total gross business profits (less foreign dividends) of the business organization to ascertain its gross business profits in this state. If this method of apportionment does not fairly represent the business organization's business activity in this state, the business organization may petition for, or the commissioner may require, in respect to all or any part of the business organization's business activity, if reasonable:

9 New Paragraph; Credit for Business Enterprise Tax. Amend RSA 77-A:5 by inserting after paragraph VIII the following new paragraph:

IX. Taxes paid pursuant to RSA 77-E. Any unused portion of the credit allowed under this paragraph may be carried forward and allowed against the tax due under this chapter for 5 taxable periods from the taxable period in which the tax was paid.

10 Reference Change. Amend RSA 77-A:5-a to read as follows:

77-A:5-a Tax Expenditure Report. On or before February 1 of every calendar year the commissioner shall certify to the general court and the governor an analysis of each of the past year's credits allowed under RSA 77-A, RSA 83-C, RSA 83-D, [RSA 84,] and RSA 400-A against the business profits tax imposed by this chapter.

11 Business Profits Tax; Payments Due With Returns and With Estimates. Amend RSA 77-A:7, I(a) to read as follows:

(a) All business organizations required under RSA 77-A:6, II to make payments of estimated tax shall make such payments in installments as follows: [30] 25 percent is due and payable on the fifteenth day of the fourth month of the subsequent taxable year; [30] 25 percent is due and payable on the fifteenth day of the sixth month of the subsequent taxable year; [20] 25 percent is due and payable on the fifteenth day of the ninth month of the subsequent taxable year; and [20] 25 percent is due and payable on the fifteenth day of the twelfth month of the subsequent taxable year.

12 New Chapter; Tax on Business Enterprise Value Base. Amend RSA by inserting after chapter 77-D the following new chapter:

CHAPTER 77-E BUSINESS ENTERPRISE TAX

77-E:1 Definitions. In this chapter:

I. "Accumulated revenues and profits" means:

(a) In the case of a corporation, other than a subchapter S corporation, the amount determined to be earnings and profits for federal income tax purposes; or

(b) In the case of all other business enterprises, including subchapter S corporations, the total undistributed revenues of the enterprise from whatever source derived, except that no distribution of capital, whether in liquidation or otherwise, shall be included in the enterprise value tax base.

II. "Business activity" means a transfer of legal or equitable title to or rental of property, whether real, personal or mixed, tangible or intangible, or the performance of services, or a combination thereof, made or engaged in, or caused to be made or engaged in, whether in intrastate, interstate, or foreign commerce, with the object of gain, benefit, income, revenue or advantage,

whether direct or indirect, to the business enterprise or to others, but shall not include the services rendered by an employee to an employer or services as a director of a corporation. Although an activity of an enterprise may be incidental to another of its business activities, each activity shall be considered to be business engaged in or carried on within the meaning of this chapter. Notwithstanding any other provision of this paragraph, a holder of an ownership interest in a qualified investment company as defined in RSA 77-E:1, XIV, shall not be deemed to be carrying on any business activity within this state due solely to its holding an ownership interest in such qualified investment company.

III. "Business enterprise" means any profit or nonprofit enterprise or organization, whether corporation, partnership, limited liability company, proprietorship, association, trust, business trust, real estate trust or other form of organization engaged in or carrying on any business activity within this state, except such enterprises as are expressly made exempt from income taxation under sections 501(c), (1), (2), (3), (4), (8), and (10) of the United States Internal Revenue Code to the extent such enterprise does not engage in any business activity constituting unrelated business activity as defined by section 513 of the United States Internal Revenue Code. Each business enterprise under this definition shall be subject to the tax imposed under RSA 77-E as a separate entity except that trusts treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners, and such owners shall be subject to the tax thereon to the extent any such owners would be considered a business enterprise hereunder notwithstanding the existence of the trust. The use of consolidated returns as defined in the United States Internal Revenue Code or of combined reporting is not permitted. Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business enterprise and shall be excluded from taxation level if it is a qualified investment company as defined in RSA 77-E:1, XIV.

IV. "Commissioner" means the commissioner of revenue administration.

V. "Compensation" means all wages, salaries, fees, bonuses, commissions or other payments paid or accrued in the taxable period on behalf of or for the benefit of employees, officers, or directors of the business enterprise and subject to or specifically exempt from withholding under section 3401 of the United States Internal Revenue Code except such payments as are made expressly exempt from withholding under sections 3401(a)(1), (9), (10), (13), (14), (15), (16), (18), (19) and (20); the amount of any deduction taken under RSA 77-A:4, III in the taxable period; and any net earnings from self-employment subject to tax under section 1401 of the United States Internal Revenue Code to the extent not included in the amount of any deduction taken under RSA 77-A:4, III in the taxable period.

VI. "Dividends" means any distribution of money or property, other than the distribution of newly issued stock of the same enterprise, to the owners of a business enterprise with respect to their ownership interest in such enterprise from the accumulated revenues and profits of the enterprise. The term "dividends" shall not include:

(a) Distributions of money or property to beneficiaries of a trust qualified under section 401 of the United States Internal Revenue Code;

(b) Cash or non-cash payments of life, sick, accident, or other benefits to members or their dependents or designated beneficiaries from a voluntary employee's beneficiary association qualified under section 501(c)(9) of the United States Internal Revenue Code;

(c) Distributions of money or property to participants from any common trust fund as defined under section 584 of the United States Internal Revenue Code;

(d) Policyholder dividends as defined under section 808 of the United States Internal Revenue Code, to the extent such dividends are not reduced pursuant to section 809 of the United States Internal Revenue Code; or

(e) Payment of interest on deposits of depositors of a mutual bank or credit union.

VII. "Employee" means an employee as defined in section 3401(c) of the United States Internal Revenue Code. Any person from whom an employer is required to withhold for federal income tax purposes shall prima facie be deemed an employee.

VIII. "Employer" means an employer as defined in section 3401(d) of the United States Internal Revenue Code. Any person required to withhold for federal income tax purposes shall prima facie be deemed an employer.

IX. "Enterprise value tax base" means the sum of all compensation paid or accrued, interest paid or accrued, and dividends paid by the business enterprise, before special adjustments provided in RSA 77-E:3 or apportionment as provided in RSA 77-E:4.

X. "Gross business receipts" means all income for federal income tax purposes from whatever source derived in the conduct of business activity, including but not limited to gross proceeds from sales, compensation for rendering services, gross proceeds realized from trading in stocks, bonds, or other evidences of indebtedness, gross proceeds realized from sale of assets used in trade or business, interest, discount, gross rents, royalties, fees, commissions, dividends, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense paid or accrued and without any deduction on account of losses. In the case of non-profit enterprises not required to pay income taxes, the sum of all revenues derived in the conduct of business activity, including but not limited to the items included in the preceding sentence. Any receipts that would otherwise be considered "gross business receipts" received by an enterprise that constitutes a qualified trust under section 401, or is defined in section 501(c)(9), or section 584, of the United States Internal Revenue Code shall not be included in gross business receipts for purposes of this chapter.

XI. "Interest" means all amounts paid or accrued for the use or forbearance of money or property. The term "interest" shall not include amounts paid, credited or set aside in connection with reserves by insurers to fulfill policy and contractual responsibilities to policy holders or by voluntary employees' beneficiary associations qualified under section 501(c)(9) of the United States Internal Revenue Code to fulfill obligations to members.

XII. "Prescribed filing date" means the original statutory due date, or approved extended due date.

XIII. "Prescribed payment date" means the original statutory due date.

XIV. "Qualified investment company" means a regulated investment company as defined in section 851 of the United States Internal Revenue Code as defined in RSA 77-E:1, XVII, an organization that is an investment company under the Investment Company Act of 1940, as amended, or an organization that would be an investment company under the Investment Company Act of 1940, as amended, except for the exemption provided by section 3(c)(1) of said Investment Company Act, provided, however, a qualified investment company shall limit its activities to investment activities and those incidental to or in support of such activities and shall submit certification that it satisfies the requirements to be classified as a qualified investment company to the commissioner no later than 9 months subsequent to commencement of its investment activities. Upon petition, the commissioner may accept an untimely submission of such certification, which acceptance shall not be unreasonably withheld.

XV. "Taxable enterprise value tax base" means the enterprise value tax base adjusted by the special adjustments provided in RSA 77-E:3 and then adjusted by the method of apportionment provided in RSA 77-E:4.

XVI. "Taxable period" means the calendar or fiscal year, or fractional part of a year, which the business enterprise uses for federal income tax purposes. If the business enterprise is not required to make and file a return for federal income tax purposes, taxable period means the calendar or fiscal year, or fractional part of a year, the enterprise has adopted for financial purposes.

XVII. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended, without the rules, regulations, forms, and procedures of the United States Internal Revenue Service. The rules, regulations, forms, and procedures of the United States Internal Revenue Service may, however, be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

77-E:2 Imposition of Tax. A tax is imposed at the rate of 1/4 of one percent upon the taxable enterprise value tax base of every business enterprise. A 2/3 majority of those present and voting of each house of the general court shall be necessary to increase the tax rate under this section.

77-E:3 Special Adjustments. The following adjustments shall be made to enterprise value tax base in determining taxable enterprise value tax base:

I. In the case of a business enterprise, the enterprise value tax base of which includes compensation derived from self-employment income subject to tax under section 1401 of the United

States Internal Revenue Code, a deduction of such amounts of compensation as are retained for use in the business enterprise, except that no amount of compensation deducted under RSA 77-A:4, III shall be included in this deduction. The burden shall be upon the business enterprise to show that any amounts deducted have actually been retained for use in the business enterprise.

II. In the case of a business enterprise which is a corporation, a deduction of an amount equal to dividends received from another corporation which have previously been included in the payor corporation's taxable enterprise value tax base subject to taxation under this chapter and which payor corporation is, at the close of the day on which such dividend is received, a member of the same affiliated group as the corporation receiving the dividend. For purposes of this section, the term "affiliated group" shall have the meaning given such terms by section 1504(a) of the United States Internal Revenue Code, except that for such purposes sections 1504(b)(2), 1504(b)(4), and 1504(c) thereof shall not apply.

III. In the case of a business enterprise which is not a corporation, a deduction of an amount equal to dividend distributions received from another business enterprise which have previously been included in the payor business enterprise's taxable enterprise value tax base subject to taxation under this chapter and which payor business enterprise is, at the close of the day on which such dividend is received, a member of the same affiliated group as the business enterprise receiving the dividend distribution. For purposes of this section, the term "affiliated group" shall be determined by rules adopted by the commissioner similar to those applicable to corporations in paragraph II.

77-E:4 Apportionment.

I. A business entity, the business activities of which are taxable both within and without this state and which is subject to a business privilege tax, a net income tax, a franchise tax measured by net income, a capital stock tax, or a tax of the type imposed by this chapter or is subject to the jurisdiction of another state to impose a business privilege tax, a net income tax, a franchise tax measured by net income, a capital stock tax, or a tax of the type imposed by this chapter shall apportion its enterprise value tax base so as to allocate to this state a fair and equitable proportion of such base. Except as provided in this section, such apportionment shall be made in the following manner:

(a) The portion of the base from compensation shall:

(1) Include the amount of any deduction taken pursuant to RSA 77-A:4, III, the amount relating to self-employment income and the amount relating to wages and salaries subject to or specifically exempt from withholding under section 3401 of the United States Internal Revenue Code except such payments as are made expressly exempt from withholding under sections 3401(a)(1), (9), (10), (13), (14), (15), (16), (18), (19), and (20); and

(2) Be apportioned to this state as a percentage of total compensation paid by the business enterprise to employees everywhere as is paid by the business enterprise to employees for services rendered within this state. Such compensation is deemed to be disbursed for services in this state if the service is performed entirely within this state, or if the service is performed both within and without this state and the service performed without this state is incidental to the service within this state, or some of the service is performed in this state and (A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state, or (B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual performing such service resides within this state.

(b) The portion of the base from interest shall be apportioned by multiplying the percentage of value of the total real and tangible personal property owned and employed by the business enterprise everywhere as is owned and employed by it in business activities in this state. Property owned by the business enterprise shall be valued at its original cost.

(c) The portion of the base from dividends shall be apportioned on the basis of the 3 following factors, giving equal weight to each, and applying the average of the 3 percentages to the dividends:

- (1) The compensation apportionment factor in subparagraph (a)(2) of this section;
- (2) The interest apportionment factor in subparagraph (b) of this section; and
- (3) The percentage of the total sales, including charges for services, made by the business enterprise everywhere as is made by it within this state. Sales of tangible personal property

are made in this state if the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of free on board point or other conditions of sale, or the property is shipped from an office, store, warehouse, factory or other place of storage in this state and (1) the purchaser is the United States government, or (2) the business enterprise is not taxable in the state of the purchaser. Sales other than sales of tangible personal property are in this state if the revenue-producing activity is performed in this state, or the revenue-producing activity is performed both in and outside this state and a greater proportion of the revenue-producing activity is performed in this state than in any other state, based on costs of performance.

II. If the method of apportionment in paragraph I does not fairly represent the business enterprise's business activity in this state, the business enterprise may petition for, or the commissioner may require, in respect to all or any part of the business enterprise's business activity, if reasonable:

(a) The exclusion of any one or more of the apportionment factors;

(b) The inclusion of one or more additional apportionment factors which will fairly represent the business enterprise's business activity in the state; or

(c) The employment of any other method to effect an equitable apportionment of the business enterprise's enterprise value tax base.

77-E:5 Returns. Every business enterprise having gross business receipts in excess of \$100,000 as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is greater than \$50,000, shall, on or before the fifteenth day of the third month in the case of enterprises required to file a United States corporation tax return, and the fifteenth day of the fourth month in the case of all other business enterprises, following expiration of its taxable period, make a return to the commissioner. All returns shall be signed by the business enterprise or by its authorized representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-J:39.

77-E:6 Payments Due With Returns. If the return required by RSA 77-E:5 shows an amount to be due, such amount is due and payable on the prescribed payment date. If such return shows an overpayment of the tax due, the commissioner shall refund such overpayment to the business enterprise or shall allow the enterprise a credit against a subsequent payment or payment due, to the extent of the overpayment, at the enterprise's option.

77-E:7 Additional Returns. When the commissioner has reason to believe that a business enterprise failed to file a return or to include any part of its enterprise value tax base in a filed return, the commissioner may require the enterprise to file a return or a supplementary return showing such additional information as the commissioner prescribes. Upon the receipt of the supplementary return, or if none is received within the time set by the commissioner, the commissioner may find and assess the amount due upon the information that is available. The making of such additional return does not relieve the business enterprise of any penalty for failure to make a correct original return or relieve it from liability for interest imposed under RSA 21-J:28 or any other additional charges imposed by the commissioner.

77-E:8 Extension of Time for Returns. For good cause, the commissioner may extend the time within which a business enterprise is required to file a return, and if such return is filed during the period of extension no penalty or late payment charge may be imposed for failure to file the return at the time required by this chapter, but the enterprise shall be liable for interest and late payment charges as prescribed in RSA 21-J:28 and RSA 21-J:33. Failure to file the return during the period of the extension shall void the extension.

77-E:9 Corrections. Each business enterprise shall report to the commissioner of revenue administration any change in the amount of its compensation, interest or dividends as finally determined by the United States Internal Revenue Service with respect to any previous year for which the business enterprise has made a return under this chapter. Such a report shall be made not later than 6 months after the business enterprise has received notice that such change has finally been determined. Notwithstanding any other provision of law, a business enterprise reporting a correction pursuant to this section shall be given notice by the department of any adjustment to the tax due with respect to such correction within 6 months after the filing of the report.

77-E:10 Taxpayer Records. Every business enterprises shall:

I. Keep such records as may be necessary to determine the amount of its liability under this chapter.

II. Preserve such records for the period of 5 years or until any litigation or prosecution under this chapter is finally determined.

III. Make such records available for inspection by the commissioner or authorized agents, upon demand, at reasonable times during regular business hours. Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

77-E:11 Administration.

I. The commissioner shall collect the taxes, interest, additions to tax, and penalties imposed under this chapter and RSA 21-J.

II. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The form of the return and the data which it must contain for the correct computation of gross business receipts and taxable enterprise value base attributable to this state and the tax assessed on it;

(b) The administration of the business enterprise tax;

(c) The recovery of any tax, interest on tax, or penalties imposed by RSA 77-E or RSA 21-J; and

(d) The implementation, interpretation, or specific application of any part of this chapter to particular business enterprises.

III. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax, or the penalties imposed by this chapter.

IV. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes, except that the tax imposed by this chapter shall not take precedence over prior recorded mortgages. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable. The provisions of RSA 80:26 apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw his warrant for the purchase price out of any money in the treasury not otherwise appropriated.

77-E:12 Certifications for Dissolution, Withdrawal, and Good Standing.

I.(a) No corporation organized under any law of this state may transfer property to its shareholders pursuant to RSA 293-A:14.05(a) until all taxes and interest imposed upon the corporation under this chapter have been fully paid and a certificate of dissolution shall have been obtained from the commissioner of revenue administration that no returns, tax, interest, or penalties for taxes administered by the department are due and unpaid.

(b) A corporation wishing to transfer property to its shareholder pursuant to RSA 293-A:14.05(a) shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the corporation's records, the commissioner determines that no returns, tax, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement in accordance with subparagraph (a).

II. A business enterprise wishing to obtain a statement for withdrawal, in accordance with RSA 293-A:15.20(b)(6) shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the business enterprise's records, the commissioner determines that no returns, tax, interest or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement for withdrawal as required under RSA 293-A:15.20(b)(6).

III. A business enterprise wishing to obtain a statement that it is in good standing with the department of revenue administration shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If,

after reviewing the business enterprise's records, the commissioner determines that no returns, tax, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement of good standing.

13 New Section; Gas Franchise Tax; Credit for Business Enterprise Tax. Amend RSA 83-C by inserting after section 2 the following new section:

83-C:2-a Credit for Business Enterprise Tax. The tax imposed under RSA 77-E shall be allowed as a credit against the taxes due under this chapter and shall be deemed to be taxes paid pursuant to this chapter for the purposes of RSA 77-A:5, I.

14 New subparagraph; Investment Tax Credit. Amend RSA 162-L:8, I by inserting after subparagraph (c) the following new subparagraph:

(d) Taxes imposed by RSA 77-E.

15 Investment Tax Credit. Amend RSA 162-L:8, I-a to read as follows:

I-a. Credits provided by this section applied against the liabilities imposed by [RSA 84 and] RSA 400-A *and* RSA 77-E shall be deemed to be taxes paid for the purpose of RSA 77-A:5, [II and] III *and* IX, respectively.

16 Reference Change. Amend RSA 162-L:8, IV to read as follows:

IV. Estimated tax payments under [RSA 84:16-f and] RSA 400-A:32 due and payable after the date of contribution to the authority may be reduced by the credit allowable under this section.

17 Assessment and Collection of Corporate Franchise Fee; Change Franchise Fee to Filing Fees. Amend RSA 293-A:1.35 to read as follows:

293-A:1.35 Assessment and Collection of Annual Fees. It shall be the duty of the secretary of state to collect all [annual franchise] *filing* fees and penalties imposed by, or assessed in accordance with, this chapter.

18 Dissolution; Add Reference to RSA 77-E. Amend RSA 293-A:14.05(b) to read as follows:

(b) Prior to making any distribution of its remaining property among its shareholders according to their interests, the corporation shall first obtain a certificate of dissolution from the department of revenue administration in accordance with RSA 77-A:18 *and* RSA 77-E:12.

19 Reinstatement; Add Reference to RSA 77-E. Amend RSA 293-A:14.22(a)(4) to read as follows:

(4) Contain a certificate from the New Hampshire department of revenue administration in accordance with RSA 77-A:18, III, *and* RSA 77-E:12, III, if such application is received by the secretary of state more than 120 days after the notice of administrative dissolution is mailed.

20 Withdrawal of Foreign Corporation; Add Reference to RSA 77-E. Amend RSA 293-A:15.20(b)(6) to read as follows:

(6) A statement of withdrawal from the New Hampshire department of revenue administration in accordance with RSA 77-A:18, II *and* RSA 77-E:12, II.

21 Fees; Reduce Filing Fees. Amend RSA 304-B:64, I and II to read as follows:

I. For a certificate of limited partnership or registration as a foreign limited partnership, [\$200] \$35.

II. For a certificate of amendment or correction, or a certificate of cancellation, [\$50] \$35.

22 Registration; Delete Registration and Maintenance Fee; Impose Filing Fee. Amend RSA 305-A:1, I to read as follows:

I. Every foreign partnership, desiring to do business within this state, shall pay a [registration] *filing* fee of [\$100 and an annual maintenance fee of \$200] \$35 to the secretary of state on [the first business day of April following] the date of registration [and on the first business day of April thereafter; provided that a foreign partnership that has received its certificate of authority pursuant to RSA 305-A:2 between December 1 of the preceding year and April 1 shall not be required to pay the maintenance fee during that year].

23 New Section; Premium Tax; Credit for Business Enterprise Tax. Amend RSA 400-A by inserting after section 34 the following new section:

400-A:34-a Credit for Business Enterprise Tax. The tax imposed under RSA 77-E shall be allowed as a credit against the taxes due under this chapter and shall be deemed to be taxes paid pursuant to this chapter for the purposes of RSA 77-A:5, III.

24 Transition for Payers of the Bank Tax. Estimated payments of tax under RSA 84 made prior to the effective date of the repeal of RSA 84 and applying to returns or reports that would have been due on or after July 1, 1993, shall be allowed as a credit against the tax due under RSA 77-E.

25 Collection After Repeal; Bank Tax. Nothing in this act shall be construed to excuse any tax obligations or liabilities accruing under RSA 84 as amended prior to and up to the date of its repeal. The commissioner of revenue administration shall retain full authority to institute any authorized administrative actions and any other proceedings to require payment of and to collect said taxes, additions to tax, and penalties and interest where applicable, within the applicable statute of limitations.

26 Collection After Repeal; Corporate Franchise and Maintenance Fees. Nothing in this act shall be construed to excuse any fee obligations or liabilities accruing under RSA 293-A as amended prior to and up to the date of their repeal. The secretary of state shall retain full authority to institute any authorized administrative actions and any other proceedings to require payment of and to collect said fees and penalties and interest where applicable, within the applicable statute of limitations.

27 Collection After Repeal; Partnership Registration and Maintenance. Nothing in this act shall be construed to excuse any fee obligations or liabilities accruing under RSA 304-B or 305-C as amended prior to and up to the date of their repeal. The secretary of state shall retain full authority to institute any authorized administrative actions and any other proceedings to require payment of and to collect said fees and penalties and interest where applicable, within the applicable statute of limitations.

28 Repeal. The following are repealed:

I. RSA 77-A:1, XXII, relative to the definition of "compensation" for the purposes of RSA 77-A:5, VII.

II. RSA 77-A:5, II, VII, and VIII, relative to certain credits against the business profits tax.

III. RSA 84, relative to the taxation of banks.

IV. RSA 162-L:8, I(b), relative to investment tax credits against certain taxes.

V. RSA 293-A:1.31-1.34, relative to certain licensing fees under the business corporation act.

VI. RSA 293-A:1.37(a), relative to the administration of the business corporation act.

VII. RSA 305-A:1, III, relative to a notification requirement for foreign partnerships.

29 Effective Date.

I. Sections 6, 8, 9, 11, 12, 21, 22, 23, and paragraphs V and VII of section 28 of this act shall take effect July 1, 1993, and shall apply to returns and taxes and reports and fees due on account of taxable periods ending on or after July 1, 1993. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1993, the taxable period shall be deemed to have ended on June 30, 1993, for purposes of this act.

II. Section 7 of this act shall take effect July 1, 1994, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1994. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1994, the taxable period shall be deemed to have ended on June 30, 1994, for purposes of this act.

III. Section 28, paragraph II of this act shall take effect July 1, 1993, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1993. In the case of any business enterprise which has elected a 52-53 week taxable period under section 441(f) of the United States Internal Revenue Code and the fiscal year of which ends on the last day of the week nearest to June 30, 1993, the taxable period shall be deemed to have ended on June 30, 1993 for the purposes of this act.

IV. The remainder of this act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill establishes a tax on business enterprise value tax base, which is the sum of all compensation paid or accrued, interest paid or accrued, and dividends paid by the business enterprise before special adjustments or apportionment.

The bill lowers the rate of the business profits tax from 8 to 7 percent over 2 years and repeals the bank tax and corporate franchise fees.

The bill also makes technical adjustments to the business corporation act and business profits tax.

Amendment adopted.

Rep. Burling offered a floor amendment.

Floor Amendment (2198B)

Amend RSA 77-E:1, III as inserted by section 12 of the bill by replacing it with the following:

III. "Business enterprise" means any profit or nonprofit enterprise or organization, whether corporation, partnership, limited liability company, proprietorship, association, trust, business trust, real estate trust or other form of organization engaged in or carrying on any business activity within this state. Each business enterprise under this definition shall be subject to the tax imposed under RSA 77-E as a separate entity except that trusts treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners, and such owners shall be subject to the tax thereon to the extent any such owners would be considered a business enterprise hereunder notwithstanding the existence of the trust. The use of consolidated returns as defined in the United States Internal Revenue Code or of combined reporting is not permitted. Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business enterprise and shall be excluded from taxation level if it is a qualified investment company as defined in RSA 77-E:1, XIV.

Amend RSA 77-E:1, VI as inserted by section 12 of the bill by deleting subparagraph (b) and renumbering the original subparagraphs (c)-(e) to read as (b)-(d), respectively.

Amend RSA 77-E:1, X and XI as inserted by section 12 of the bill by replacing it with the following:

X. "Gross business receipts" means all income for federal income tax purposes from whatever source derived in the conduct of business activity, including but not limited to gross proceeds from sales, compensation for rendering services, gross proceeds realized from trading in stocks, bonds, or other evidences of indebtedness, gross proceeds realized from sale of assets used in trade or business, interest, discount, gross rents, royalties, fees, commissions, dividends, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense paid or accrued and without any deduction on account of losses. In the case of non-profit enterprises not required to pay income taxes, the sum of all revenues derived in the conduct of business activity, including but not limited to the items included in the preceding sentence. Any receipts that would otherwise be considered "gross business receipts" received by an enterprise that constitutes a qualified trust under section 401 or section 584, of the United States Internal Revenue Code shall not be included in gross business receipts for purposes of this chapter.

XI. "Interest" means all amounts paid or accrued for the use or forbearance of money or property. The term "interest" shall not include amounts paid, credited or set aside in connection with reserves by insurers to fulfill policy and contractual responsibilities to policy holders.

Rep. Burling spoke in favor.

Rep. Cowenhoven spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Burling floor amendment.

YEAS 112

NAYS 264

**YEAS 112
BELKNAP**

Hawkins, Robert

Laflam, Robert

Lawton, David

CARROLL

Dickinson, Howard, Jr.

CHESHIRE

Bonneau, Sarah

Champagne, Richard

Hunt, John

Kingsbury, H. Thayer

McGuirk, Paul

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

COOS

Bradley, Paula	Hawkinson, Marie	Mears, Edgar	Wiswell, James
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GRAFTON

Below, Clifton	Brown, Patricia	Copenhagen, Marion	Driscoll, William
Guest, Robert	McIlwaine, Deborah		

HILLSBOROUGH

Ahern, Richard	Asselin, Robert	Bergeron, Lucien	Bergeron, Normand
Borsa, Andrew	Clemons, Jane	Daigle, Robert	Drabinowicz, A. Theresa
Dwyer, Patricia	Foster, Linda	Gervais, Glen	Haettenschwiller, Alphonse
Hall, Betty	Hanselman, Gregory	Holt, Mark	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Lachut, Ervin	Laughlin, J. Francis
Leclerc, Charles	Lefebvre, Roland	Martin, Mary Ellen	Morrisette, Roland
Paquette, Rodolphe	Peters, Stanley	Plourde, Alphonse	Soucy, Richard
Toomey, Kathryn	Weergang, Alida	White, John	

MERRIMACK

Braiterman, Thea	Daneault, Gabriel	Dunn, Miriam	French, Barbara
Houlahan, Thomas	Johnson, Joyce May	Kennedy, Richard	Moore, Carol
Owen, Derek	Regan, Maurice	Rogers, Katherine	Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn	Campbell, Marilyn	Caswell, Albert, Jr.	Chester, Sherman
Clark, Martha	Dube, LeRoy	Groves, Bonnie	Hemenway, Thomas
Hurst, Sharleene	Kane, Cecelia	McGovern, Cynthia	Miller, Don
Newman, Rick	O'Keefe, Patricia	Pantelakos, Laura	Pullman, Robert
Rosencrantz, James	Simon, Peter	Splaine, James	St. Martin, Tommy
Syracusa, Anthony	Terninko, Margaret	Vaughn, Charles	Warburton, Calvin
Weyler, Kenneth			

STRAFFORD

Brown, George	Callaghan, Frank	Gilmore, Gary	Hemon, Roland
Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory
Merritt, Deborah	O'Brien, John	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Snyder, Clair	Sullivan, Henry	Vincent, Francis
Wheeler, Katherine			

SULLIVAN

Allison, David	Cloutier, John	Palmer, Lorraine	Stamatakis, Carol
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NAYS 264**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hauck, William	Holbrook, Robert	Johnson, Carl
Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas	Smith, Linda
Turner, Robert	Ziegler, Alice		

CARROLL

Allard, Nanci	Beach, Mildred	Bradley, Jeb	Chandler, Gene
Cogswell, Richard	Foster, Robert	Lyman, L. Randy	Mock, Henry
Philbrick, Donald	Saunders, Howard	Wiggin, Allen	Wiggin, Gordon

CHESHIRE

Avery, Stephen	Burnham, Daniel	Cole, Stacey	DePecol, Benjamin
Delano, Robert	Foster, Katherine	Lynch, Margaret	Manning, Joseph
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Perry, David
Pratt, Irene	Royce, H. Charles	Smith, Edwin	Young, David

COOS

Coulombe, Henry
Horton, Lynn

Foss, Frederick
Mayhew, Josephine

Guay, Lawrence
Pratt, Leighton

Harwell, Tyler

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Ham, Bonnie
Rose, William
Wadsworth, Karen

Bean, Pamela
Dow, David
Hill, Richard
Scanlan, David
Ward, Kathleen

Brown, Alison
Eaton, Stephanie
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Channing
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Arnold, Barbara
Buckley, Raymond
Chabot, Robert
Desrosiers, William
Drolet, Paul
Eliades, George
Franks, Suzan
Hart, Nick
Holt, David
Kelley, Robert
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Morello, Michael
Packard, Bonnie
Reidy, Frank
Sallada, Roland
Smith, Leonard
Vanderlosk, Stanley

Allen, W. Gordon
Arnold, Thomas, Jr.
Burke, M. Virginia
Cote, David
Dodge, Emma
Durham, Susan
Fenton, James
Gagnon, Eugene
Healy, Daniel
Jasper, Shawn
Kirby, Thomas
Lown, Elizabeth
McRae, Karen
Mittelman, David
Murphy, Robert
Pepino, Leo
Rheault, Lillian
Sargent, Maxwell
Soucy, Donna
Wells, Peter, Sr.

Amidon, Eleanor
Bagley, Amy
Calawa, Leon, Jr.
Cowenhoven, Garret
Domaingue, Jacquelyn
Dyer, Merton
Ferguson, Charles
Gosselin, Gerald
Holden, Carol
Jean, Loren
Kurk, Neal
Lozeau, Donnalee
Mercer, Robert
Moncrief, Keith
Nardi, Theodora
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Turgeon, Roland
Wheeler, Robert

Andrews, Frederick
Bowers, Dorothy
Cepaitis, Elizabeth
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Fields, Dennis
Greenberg, Gary
Holley, Sylvia
Kelley, Dana
L'Heureux, Robert
McCann, Bonnie
Messier, Irene
Moore, Elizabeth
O'Rourke, Joanne
Philbrook, Paula
Rothhaus, Finlay
Smart, John
Upton, Barbara
Wright, George

MERRIMACK

Barberia, Richard
Chandler, John
Hall, Douglas
Kidder, William
Nichols, Avis
Stapleton, Henry
Weeks, John, Jr.

Buessing, Marjorie
Feuerstein, Martin
Hill, Michael
Langer, Ray
Pfaff, Terence
Teague, Bert
Whittemore, James

Carter, Susan
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Shaw, Randall
Trombly, Rick
Willis, Jack

Chandler, Earle
Gross, Caroline
Johnson, C. William
Newland, Matthew
Soldati, Jennifer
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Arndt, Janet
Blake, Daniel
Clark, Vivian
Cote, Patricia
Dowling, Patricia
Flanagan, Natalie
Gargiulo, Louis
Johnson, Bill
Klemarczyk, Thaddeus
Malcolm, Kenneth
Packard, Sherman
Ritzo, Eugene
Skinner, Patricia
Sytek, Donna
Woods, Deborah

Battles, Marjorie
Boucher, William
Coes, Betsy
Crum, William, Jr.
Drake, Herbert
Flanders, David
Gorman, Donald
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pratt, Katharin
Rubin, George
Smith, Arthur
Sytek, John
Yennaco, Carol

Beaulieu, Jon
Bove, Martin
Conroy, Janet
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Hazelton, Robert
Katsakiores, George
Kruse, Fred
Moore, Benjamin
Putnam, Ed, II
Schanda, Joseph, Sr.
Stone, Joseph
Welch, David

Bell, Juanita
Christie, Andrew, Jr.
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Hutchinson, Karen
Katsakiores, Phyllis
Lee, Rebecca
Noyes, Richard
Raynowska, Bernard
Senter, Marilyn
Stritch, C. Donald
Williamson, William

STRAFFORD

Brown, Julie	Chagnon, Ronald	Douglass, Clyde	Dunlap, Patricia
Hambrick, Patricia	Hashem, Elaine	Hilliard, Dana	Keans, Sandra
Kincaid, William	Knowles, William	McKinley, Robert	Merrill, Amanda
Musier, George	Nehring, William	Pageotte, Donald	Spear, Barbara
Torr, Ann	Torr, Franklin	Torr, Ralph	Wall, Janet
Wasson, Richard			

SULLIVAN

Behrens, Thomas	Burling, Peter	Domini, Irene	Flint, Gordon
Kane, Joan	Lindblade, Eric	Peyron, Fredrik	Rodeschin, Beverly
Schotanus, Merle			

and the amendment failed.

Rep. DePecol offered a floor amendment.

Floor Amendment (2264B)

Amend RSA 77-E:2 as inserted by section 12 of the bill by replacing it with the following:
77-E:2 Imposition of Tax and Revenue Sharing.

I. A tax is imposed at the rate of 1/4 of one percent upon the taxable enterprise value tax base of every business enterprise. A 2/3 majority of those present and voting of each house of the general court shall be necessary to increase the tax rate under this section.

II. Fifty percent of the revenue collected under this chapter shall be used to supplement revenue sharing to the cities and towns under RSA 31-A.

Rep. DePecol spoke in favor.

Rep. Jasper spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the DePecol floor amendment.

YEAS 132**NAYS 245****YEAS 132
BELKNAP**

Lafiam, Robert	Salatiello, Thomas
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CARROLL

None

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret	McGuirk, Paul
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Young, David		

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	Wiswell, James		

GRAFTON

Below, Clifton	Brown, Patricia	Copenhaver, Marion	Guest, Robert
Ham, Bonnie	McIlwaine, Deborah	Nordgren, Sharon	

HILLSBOROUGH

Ahem, Richard	Allen, W. Gordon	Asselin, Robert	Bergeron, Lucien
Bergeron, Normand	Borsa, Andrew	Buckley, Raymond	Clemons, Jane
Cote, David	Daigle, Robert	Dwyer, Patricia	Foster, Linda
Gervais, Glen	Haettenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory
Hart, Nick	Jean, Claudette	Johnson, Lionel	Kirby, Thomas
Laughlin, J. Francis	Leclerc, Charles	Lefebvre, Roland	Martin, Mary Ellen

Milligan, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Richard

Morrisette, Roland
Paquette, Rodolphe
Rothhaus, Finlay
Toomey, Kathryn

Murphy, Robert
Perkins, Paul
Smart, John
White, John

Nardi, Theodora
Plourde, Alphonse
Soucy, Donna

MERRIMACK

Braiterman, Thea
Houlahan, Thomas
Owen, Derek
Trombly, Rick

Daneault, Gabriel
Johnson, Joyce May
Rogers, Katherine
Wallner, Mary Jane

Dunn, Miriam
Moore, Carol
Soldati, Jennifer
Ward, Jay

French, Barbara
Newland, Matthew
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Newman, Rick
Schanda, Joseph, Sr.
Teminko, Margaret

Campbell, Marilyn
Crum, William, Jr.
O'Keefe, Patricia
Splaine, James
Vaughn, Charles

Caswell, Albert, Jr.
Kane, Cecelia
Pantelakos, Laura
St. Martin, Tommy

Clark, Martha
McGovern, Cynthia
Rosencrantz, James
Syracusa, Anthony

STRAFFORD

Brown, George
Hambrick, Patricia
Loder, Suzanne
Merrill, Amanda
Pelletier, Marsha
Vincent, Francis

Callaghan, Frank
Hashem, Elaine
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

Chagnon, Ronald
Hemon, Roland
McCann, William, Jr.
O'Brien, John
Snyder, Clair
Wheeler, Katherine

Gilmore, Gary
Keans, Sandra
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, Henry

SULLIVAN

Allison, David
Kane, Joan

Burling, Peter
Palmer, Lorraine

Cloutier, John
Stamatakis, Carol

Holl, Ann

NAYS 245 BELKNAP

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Smith, Linda

Cain, Thomas
Hauck, William
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Ziegra, Alice

Dewhirst, Glenn
Holbrook, Robert
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Manning, Joseph
Perry, David

Cole, Stacey
McNamara, Wanda
Royce, H. Charles

Delano, Robert
Metzger, Katherine
Smith, Edwin

Hunt, John
Pearson, Gertrude

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Harwell, Tyler

Horton, Lynn

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Gordon, Edward
Rose, William
Wadsworth, Karen

Bean, Pamela
Dow, David
Hill, Richard
Scanlan, David
Ward, Kathleen

Brown, Alson
Driscoll, William
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Channing
Eaton, Stephanie
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
 Arnold, Thomas, Jr.
 Calawa, Leon, Jr.
 Daniels, Gary
 Donovan, Francis
 Dyer, Merton
 Ferguson, Charles
 Gosselin, Gerald
 Holley, Sylvia
 Jasper, Shawn
 Kurk, Neal
 Lown, Elizabeth
 McCarty, Winston
 Mittelman, David
 Packard, Bonnie
 Rheault, Lillian
 Searles, Stanley, Sr.
 Vanderlosk, Stanley
 Wright, George

Amidon, Eleanor
 Bagley, Amy
 Cepaitis, Elizabeth
 Desrosiers, William
 Drabinowicz, A. Theresa
 Dykstra, Leona
 Fields, Dennis
 Greenberg, Gary
 Holt, David
 Jean, Loren
 L'Heureux, Robert
 Lozeau, Donnalée
 McRae, Karen
 Moncrief, Keith
 Pepino, Leo
 Riley, Frances
 Smith, Leonard
 Weergang, Alida

Andrews, Frederick
 Bowers, Dorothy
 Chabot, Robert
 Dodge, Emma
 Drolet, Paul
 Eliades, George
 Franks, Suzan
 Healy, Daniel
 Holt, Mark
 Kelley, Dana
 Lachut, Ervin
 Mason, Howard
 Mercer, Robert
 Moore, Elizabeth
 Peters, Stanley
 Sallada, Roland
 Turgeon, Roland
 Wells, Peter, Sr.

Arnold, Barbara
 Burke, M. Virginia
 Cowenhoven, Garret
 Domaingue, Jacquelyn
 Durham, Susan
 Fenton, James
 Gagnon, Eugene
 Holden, Carol
 Hunter, Bruce
 Kelley, Robert
 Lessard, Rudy
 McCann, Bonnie
 Messier, Irene
 Morello, Michael
 Philbrook, Paula
 Sargent, Maxwell
 Upton, Barbara
 Wheeler, Robert

MERRIMACK

Barberia, Richard
 Chandler, John
 Gross, Caroline
 Johnson, C. William
 Lockwood, Robert
 Shaw, Randall
 Willis, Jack

Buessing, Marjorie
 Feuerstein, Martin
 Hall, Douglas
 Kennedy, Richard
 Nichols, Avis
 Stapleton, Henry

Carter, Susan
 Fillion, Paul
 Hill, Michael
 Kidder, William
 Pfaff, Terence
 Weeks, John, Jr.

Chandler, Earle
 Gilbreth, Robert
 Holmes, Mary
 Langer, Ray
 Regan, Maurice
 Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
 Blake, Daniel
 Christie, Andrew, Jr.
 Cote, Patricia
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Groves, Bonnie
 Hutchinson, Karen
 Katsakiores, Phyllis
 Lee, Rebecca
 Moore, Benjamin
 Pullman, Robert
 Rubin, George
 Smith, Arthur
 Sytek, John
 Williamson, William

Arndt, Janet
 Boucher, William
 Clark, Vivian
 Dowd, Sandra
 Fesh, Robert
 Gage, Beverly
 Hazelton, Robert
 Johnson, Bill
 Klemarczyk, Thaddeus
 Malcolm, Kenneth
 Noyes, Richard
 Putnam, Ed, II
 Senter, Marilyn
 Stone, Joseph
 Warburton, Calvin
 Woods, Deborah

Battles, Marjorie
 Bove, Martin
 Conroy, Janet
 Drake, Herbert
 Flanagan, Natalie
 Gargiulo, Louis
 Hemenway, Thomas
 Johnson, Robert
 Klemm, Arthur, Jr.
 McKinney, Betsy
 Packard, Sherman
 Raynowska, Bernard
 Simon, Peter
 Stritch, C. Donald
 Welch, David
 Yennaco, Carol

Beaulieu, Jon
 Chester, Sherman
 Cote, Charles
 Dube, LeRoy
 Flanders, David
 Gorman, Donald
 Hurst, Sharleene
 Katsakiores, George
 Kruse, Fred
 Miller, Don
 Pratt, Katharin
 Ritzo, Eugene
 Skinner, Patricia
 Sytek, Donna
 Weyler, Kenneth

STRAFFORD

Brown, Julie
 Kincaid, William
 Nehring, William
 Torr, Franklin

Douglass, Clyde
 Knowles, William
 Pageotte, Donald
 Torr, Ralph

Dunlap, Patricia
 McKinley, Robert
 Spear, Barbara
 Wasson, Richard

Hilliard, Dana
 Musler, George
 Torr, Ann

SULLIVAN

Behrens, Thomas
 Rodeschin, Beverly

Domini, Irene
 Schotanus, Merle

Flint, Gordon

Peyron, Fredrik

and the amendment failed.

Report adopted and ordered to third reading.

Rep. Newman notified the Clerk that he wished to be recorded in opposition to the amended Committee report.

(Rep. Michael Hill in the Chair)

REGULAR CALENDAR

HB 147-FN-A, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor. **OUGHT TO PASS**

Rep. Gerald P. Merrill for Appropriations: This bill will fund the study of resources, buildings and available space at the state hospital and also study the future and direction of the hospital grounds. Vote 16-1.

Adopted and ordered to third reading.

SPECIAL ORDER

Reps. Gross and Trombly moved that **HB 53-FN-A**, repealing the credit to the business profits tax for payment of the nuclear property tax, repealing the non-severability of the credit to the business profits tax, and reinstating the franchise tax on electric utilities, be made a Special Order for Tuesday, April 13, 1993 at 10:15 a.m.

Rep. Gross spoke in favor and yielded to questions.

Adopted.

REGULAR CALENDAR (Cont'd)

HB 162-FN-L, returning all municipal ordinance fines to the municipality. **RE-REFER TO COMMITTEE**

Rep. Joanne A. O'Rourke for Appropriations: The Appropriations Committee felt that it would be prudent if it were in possession of this bill pending revenue review. Vote 17-3.

Rep. Burling moved that the words Ought to Pass be substituted for the report of the Committee, Re-refer to Committee .

Rep. Burling requested a quorum count. The Chair declared a quorum present.

Rep. Burling spoke in favor and yielded to questions.

Rep. Gross spoke against.

The motion failed.

Report adopted.

HB 164, relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit. **OUGHT TO PASS**

Rep. Robert L. Wheeler for Appropriations: It was felt by the Committee that workers' compensation rates were extremely burdensome to the business community and cumbersome to the community it serves. As a result, a change is certainly warranted. The costs contained in this bill were justified because of the savings in premium charges or assessments and improvement in economic climate. Vote 20-1.

Rep. Hart moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass and spoke in favor.

Reps. Laughlin, Braiterman and Guay spoke in favor.

Reps. Daniels and Robert Wheeler spoke against.

Rep. Hawkins spoke against and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Laughlin moved that **HB 164**, relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit, be laid on the table.

The motion failed.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 132**NAYS 224****YEAS 132
BELKNAP**

Salatiello, Thomas

CARROLL

Mock, Henry

CHESHIREBonneau, Sarah
Kingsbury, H. Thayer
Riley, WilliamChampagne, Richard
McGuirk, Paul
Robertson, TimothyDePecol, Benjamin
Pratt, Irene
Russell, RonaldFoster, Katherine
Richardson, Barbara**COOS**Bradley, Paula
Mayhew, JosephineCoulombe, Henry
Mears, EdgarGuay, Lawrence
Wiswell, James

Hawkinson, Marie

GRAFTONBelow, Clifton
Guest, RobertChase, Paul, Jr.
Ham, BonnieCopenhaver, Marion
McIlwaine, Deborah

Gordon, Edward

HILLSBOROUGHAhern, Richard
Bergeron, Normand
Cote, David
Eliades, George
Gervais, Glen
Hanselman, Gregory
Jean, Claudette
Leclerc, Charles
Milligan, Robert
Philbrook, Paula
Soucy, Donna
White, JohnAllen, W. Gordon
Bowers, Dorothy
Daigle, Robert
Fenton, James
Gosselin, Gerald
Hart, Nick
Johnson, Lionel
Lessard, Rudy
O'Rourke, Joanne
Plourde, Alphonse
Soucy, RichardAsselin, Robert
Buckley, Raymond
Drabinowicz, A. Theresa
Fields, Dennis
Greenberg, Gary
Healy, Daniel
Kirby, Thomas
Lozeau, Donnalee
Paquette, Rodolphe
Reidy, Frank
Toomey, KathrynBagley, Amy
Chabot, Robert
Dwyer, Patricia
Foster, Linda
Haettenschwiller, Alphonse
Holley, Sylvia
Laughlin, J. Francis
Martin, Mary Ellen
Pepino, Leo
Smart, John
Turgeon, Roland**MERRIMACK**Braiterman, Thea
Houlahan, Thomas
Newland, Matthew
Trombly, RickDaneault, Gabriel
Johnson, Joyce May
Owen, Derek
Wallner, Mary JaneDunn, Miriam
Kennedy, Richard
Rogers, Katherine
Ward, JayFrench, Barbara
Moore, Carol
Soldati, Jennifer
Yeaton, Charles**ROCKINGHAM**Caswell, Albert, Jr.
Flanagan, Natalie
O'Keefe, Patricia
Vaughn, CharlesClark, Martha
Gage, Beverly
Splaine, James
Yennaco, CarolCoes, Betsy
Hutchinson, Karen
St. Martin, TommyCrum, William, Jr.
McGovern, Cynthia
Teminko, Margaret**STRAFFORD**Brown, George
Hashem, Elaine
Kincaid, William
McGrath, J. Gregory
Pelletier, Arthur
Sullivan, HenryChagnon, Ronald
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pelletier, MarshaDunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose MarieHambrick, Patricia
Keans, Sandra
McCann, William, Jr.
O'Brien, John
Snyder, Clair**SULLIVAN**Allison, David
Flint, Gordon
Stamatakis, CarolBurling, Peter
Holl, AnnCloutier, John
Kane, JoanDomini, Irene
Palmer, Lorraine

NAYS 224 BELKNAP

Bartlett, Gordon
Golden, Paul
Lafiam, Robert
Smith, Linda

Cain, Thomas
Hauck, William
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Ziegra, Alice

Dewhirst, Glenn
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Hunt, John
Pearson, Gertrude
Young, David

Burnham, Daniel
Lynch, Margaret
Perry, David

Cole, Stacey
Manning, Joseph
Royce, H. Charles

Delano, Robert
McNamara, Wanda
Smith, Edwin

COOS

Burns, Harold

Foss, Frederic

Horton, Lynn

Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Patricia
Hill, Richard
Rose, William
Ward, Kathleen

Bean, Pamela
Dow, David
LaMott, Paul
Scanlan, David
White, Paul

Brown, Alson
Driscoll, William
Larson, Nils, Jr.
Teschner, Douglass

Brown, Channing
Eaton, Stephanie
Nordgren, Sharon
Trelfa, Richard

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Dodge, Emma
Durham, Susan
Franks, Suzan
Holt, David
Jean, Loren
L'Heureux, Robert
McCann, Bonnie
Messier, Irene
Murphy, Robert
Rheault, Lillian
Searles, Stanley, Sr.
Weergang, Alida

Amidon, Eleanor
Borsa, Andrew
Cowenhoven, Garret
Domaingue, Jacquelyn
Dyer, Merton
Gagnon, Eugene
Holt, Mark
Kelley, Dana
Lefebvre, Roland
McCarty, Winston
Mittelman, David
Packard, Bonnie
Riley, Frances
Smith, Leonard
Wells, Peter, Sr.

Andrews, Frederick
Burke, M. Virginia
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Hall, Betty
Hunter, Bruce
Kelley, Robert
Lown, Elizabeth
McRae, Karen
Moore, Elizabeth
Perkins, Paul
Rothhaus, Finlay
Upton, Barbara
Wheeler, Robert

Arnold, Barbara
Calawa, Leon, Jr.
Desrosiers, William
Drolet, Paul
Ferguson, Charles
Holden, Carol
Jasper, Shawn
Kurk, Neal
Mason, Howard
Mercer, Robert
Morello, Michael
Peters, Stanley
Sargent, Maxwell
Vanderlosk, Stanley
Wright, George

MERRIMACK

Barberia, Richard
Chandler, John
Gross, Caroline
Kidder, William
Regan, Maurice
Weeks, John, Jr.

Buessing, Marjorie
Feuerstein, Martin
Hall, Douglas
Langer, Ray
Shaw, Randall
Whittemore, James

Carter, Susan
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Stapleton, Henry
Willis, Jack

Chandler, Earle
Gilbreth, Robert
Johnson, C. William
Nichols, Avis
Teague, Bert

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Campbell, Marilyn
Conroy, Janet

Arndt, Janet
Blake, Daniel
Chester, Sherman
Cote, Charles

Battles, Marjorie
Boucher, William
Christie, Andrew, Jr.
Cote, Patricia

Beaulieu, Jon
Bove, Martin
Clark, Vivian
DiPietro, Carmela

Dowd, Sandra	Dowling, Patricia	Drake, Herbert	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanders, David	Flanders, John, Sr.
Gargiulo, Louis	Gorman, Donald	Groves, Bonnie	Hemenway, Thomas
Hurst, Sharleene	Johnson, Bill	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Kruse, Fred	Lee, Rebecca	Malcolm, Kenneth	McKinney, Betsy
Miller, Don	Noyes, Richard	Packard, Sherman	Pantelakos, Laura
Pratt, Katharin	Pullman, Robert	Putnam, Ed, II	Ritzo, Eugene
Rosencrantz, James	Rubin, George	Senter, Merilyn	Simon, Peter
Skinner, Patricia	Smith, Arthur	Stritch, C. Donald	Sytek, Donna
Sytek, John	Warburton, Calvin	Welch, David	Weyler, Kenneth
Williamson, William	Woods, Deborah		

STRAFFORD

Brown, Julie	Callaghan, Frank	Douglass, Clyde	Knowles, William
McKinley, Robert	Musler, George	Nehring, William	Spear, Barbara
Torr, Ann	Torr, Franklin	Torr, Ralph	Wall, Janet
Wasson, Richard			

SULLIVAN

Behrens, Thomas	Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle
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and the motion failed.

Report adopted and ordered to third reading.

SPECIAL ORDERS

Without objection, the Chair made all remaining bills Special Orders for Tuesday, April 13, 1993.

ENROLLED BILLS REPORT

HB 117, limiting the possessing or taking of marine mammals and prohibiting the taking of a finfish or crustacean with mobile gear and salmon and striped bass with any netting.

HB 223, changing the bureau of off highway recreational vehicles to the bureau of trails and expanding the bureau's duties.

HB 241, creating a committee to study the establishment of procedures for medical decision-making on behalf of patients unable to make decisions for themselves.

HB 310, relative to the definition of "bedroom" for the purposes of determining septic system size.

HB 489, authorizing the establishment of municipal trails.

HB 528, relative to the payment to taxes by electronic funds transfer.

HB 116, relative to fly fishing on the Connecticut River.

HB 159, designating a portion of the OHRV registration fees for trail acquisition.

HB 253, designating a portion of funds collected under the oil pollution control fund to train and equip personnel in oil spill response.

HB 261, transferring ownership of the Seabrook Commercial Fish Pier to the town of Seabrook.

HB 295, requiring commercial establishments that offer public docking or launching facilities to provide toilet facilities.

HB 326, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession.

HB 398, relative to driver education reciprocity.

HB 555, relative to freshness dating on sandwiches.

HB 577, allowing municipalities to post warnings regarding the ice on great ponds.

HB 598, authorizing the medical examiner to release corneas in certain cases for use in corneal transplants.

HB 631, modifying administrative penalties to be paid to the director of safety services and deposited into the boat safety fund.

Sen. Currier, Rep. Dunn for the Committee

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 13, 1993 at 10:00 a.m..

Adopted.

LATE SESSION

Third reading and final passage

HB 163-FN, establishing a leaking underground storage tank cost recovery fund.

HB 196-FN, relative to the method for financing additional benefits for retirement system members.

HB 205-FN-A, relative to the statewide education improvement and assessment program.

HB 440-FN, providing cost of living adjustments for certain employee members of the retirement system.

HB 462-FN, relative to the victims' assistance fund.

HB 594, relative to medical and surgical benefits for group I and group II retired employees.

HB 607, relative to the plea-by-mail program.

HB 663-FN, making technical corrections to the securities laws and repealing 2 obsolete provisions regarding corporate stock.

SB 142, intercepting the sweepstakes winnings of delinquent child support payors.

SB 221-FN, relative to grandparents' visitation rights.

HB 692, transferring rulemaking authority from the current use board to the chairman of the current use board, who will implement the recommendations of the board.

SB 37, adding and redefining terms relative to the New Hampshire pharmacy board.

SB 44, adding to the membership of the emergency shelter commission and the Christa McAuliffe planetarium commission.

SB 46, relative to involuntary transfer or discharge of patients in health care facilities.

SB 123, relative to protection from infection by the human immunodeficiency virus and the hepatitis B virus.

SB 125, changing the name of the task force established for women at risk for alcohol and other abuse during pregnancy.

SB 20, relative to representation of business organizations in small claims court.

SB 38, protecting against unauthorized access to teacher certification records.

SB 114, relative to minors' settlements.

SB 116, relative to reporting of treatment or assistance given to victims of domestic abuse and requiring physicians and hospitals to use domestic violence protocol as adopted by the department of justice.

HB 693, legalizing the actions of the Kingston town meeting.

SB 41, permitting selectmen to accept dedicated streets which have been approved by the planning board.

SB 14, relative to package deals sponsored by liquor licensees.

SB 18, increasing the amount of damage required to necessitate reporting a boating accident.

HB 51-FN-A, relative to establishing a tax on business enterprise value tax base and amending the business profits tax and business corporation act.

HB 147-FN-A, establishing a committee to study the future and direction of New Hampshire state hospital grounds and making an appropriation therefor.

HB 164, relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit.

SUSPENSION OF RULES

Rep. Channing Brown moved that the rules be so far suspended as to permit the House Appropriations Committee to report House bills after the deadline.

Reps. Gross and Trombly spoke in favor.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 5:15 p.m.

RECESS

Rep. Bell moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 18

Tuesday, April 13, 1993

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker, Rep. Michael Hill.

His Excellency Governor Stephen Merrill joined the Deputy Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Thomas Duston from St. John the Evangelist Church in Concord.

Almighty God You showed Your love for creation by creating us to care for Your world. You show Your love for humanity by guiding us to live in peace, treating one another justly. We ask to be blessed this day with deep concern for the people of New Hampshire, and with respect for the dignity of all people. Amen.

Rep. Pfaff led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Palmer, Gargiulo, Elizabeth Moore, McNerney, Borsa, Leclerc, Carol Moore, Holmes, Shaw and Eliades, the day, illness.

Reps. Wallner, Asselin, Dewhirst, Crum, Paul White, St. Martin, Jay Ward, Guay, Edwin Smith, Cole, Ruth Gage, Crory, Irene Pratt and Simon, the day, important business.

Rep. Sallada, the day, death in the family.

INTRODUCTION OF GUESTS

Ed Beaudet, Bob Desmarais, Pamela Fielder, Maria Berry, Ernie Beaulieu, Moe Lavoie, Jim Vacca, Cecile Beudwin, Walter Brooks, Shawn Cunningham, Alice Freemantle, Dick Durant, Joe Maccarone, Steve Powers, Walter and Claire Dabrowski, Herb Brouin, Jim Connelly, Margie Furgal and Jim Garczyaski, guests of Reps. Crotty and Laughlin. The N.H. PTA Board of Directors and unit members from across the state, guests of Rep. Holden. Kristina Nilsson, guest of Rep. Lundborn. Students from the Westmoreland Elementary School, guests of Reps. David Young and Bonneau.

EXTENSIONS

The Committee on Children, Youth & Juvenile Justice requested eight-calendar-day extensions on:

SB 47, relative to prosecuting petitions under the uniform reciprocal enforcement of support act

SB 48, relative to the children's trust fund

SB 67, relative to wage assignment for child support

SB 174, relative to the notice to counties when children are placed by a court order.

Granted.

The Committee on Commerce, Small Business & Consumer Affairs requested eight-calendar-day extensions on:

SB 5, repealing article 6 of the uniform commercial code on bulk sales and making conforming amendments

SB 6, permitting the bank commissioner to regulate municipal development authorities and organizations and not-for-profit development organizations which become small business lenders through certain federal and state loan programs

SB 9, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting article 4A of the uniform commercial code

SB 22, relative to foreclosure notification waiver

SB 26, relative to contracts between public adjusters and insureds

SB 65, requiring health care providers to disclose an ownership interest in any entity to which they refer patients

SB 76, establishing the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product for injury or damage caused by such product

SB 96, making the State Credit Union Act conform with the Federal Credit Union Act

SB 227, establishing a revenue-neutral initial public offering exemption for national securities markets and clarifying which securities markets do not qualify for an exemption.
Granted.

The Committee on Corrections & Criminal Justice requested eight-calendar-day extensions on:

SB 50, extending the report date and adding additional members to the law enforcement and prosecutor task force

SB 60, relative to solicitation of prostitutes

SB 111, relative to penalties for issuing bad checks and authorizing a pilot bad check restitution program

SB 141, removing the drug and alcohol treatment center, boot camp and halfwayhouse from the Laconia development services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor

SB 172, making structural changes within the department of corrections

SB 244, increasing the penalties for persons convicted of negligent homicide, including mandatory license revocation

SB 245, changing the penalties for driving while intoxicated or under the influence of drugs

SB 247, clarifying who is subject to refusal of consent provisions for DWI under the OHRV and boating laws and requiring blood alcohol testing in certain boating accidents.
Granted.

The Committee on Education requested eight-calendar-day extensions on:

SB 31, repealing sections referring to the loyalty oath requirement which was repealed last year

SB 78, requiring that student records of transferring students be provided upon request

SB 92, to rename the school for lifelong learning of the university system of New Hampshire, the college for lifelong learning of the university system of New Hampshire

SB 95, revising, conditioning, or repealing the rulemaking authority of the state board of education

SB 180, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions

SB 241, increasing the cap on the continually-appropriated revolving fund for educational publications.
Granted.

The Committee on Environment & Agriculture requested eight-calendar-day extensions on:

SB 100, protecting animal facilities and organizations or projects involving animals

SB 106, relative to a northeast interstate dairy compact

SB 193, relative to liability under the hazardous waste laws.
Granted.

The Committee on Executive Departments & Administration requested eight-calendar-day extensions on:

SB 39, making a technical correction in the enhanced 911 system law and specifying a 4-year term for the executive director of the bureau of emergency communications

SB 74, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day

SB 105, relative to the rulemaking authority of commissioners of state departments

SB 134, establishing a committee to study the need for reasonable standards and procedures for contracting services by the state

SB 149, relative to land surveying by proprietorships, corporations or partnerships

SB 185, allowing the director of the division of human services to reorganize the rules of the medical assistance program.
Granted.

The Committee on Health, Human Services and Elderly Affairs requested eight-calendar-day extensions on:

SB 130, requiring disciplinary action against a physician for certain prohibited conduct

SB 133, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners.

Granted.

The Committee on Judiciary requested an eight-calendar-day extension on **SB 117**, relative to the appointment of and payment of fees to guardians ad litem.

Granted.

The Committee on Labor, Industrial & Rehabilitative Services requested eight-calendar-day extensions on:

SB 52, relative to workers' compensation liability insurance and return of insurance premiums

SB 107, excluding services performed by real estate appraisers from the definition of "employment" for purposes of the unemployment compensation law

SB 160, relative to qualifications for unemployment benefits.

SB 223, allowing appeals of permanent impairment awards to the compensation appeals board

SB 240, relative to the workers' compensation appeals board

Granted.

The Committee on Municipal & County Government requested an eight-calendar-day extension on **SB 182**, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder.

Granted.

The Committee on Resources, Recreation & Development requested an eight-calendar-day extension on **SB 168**, relative to oil terminal facility registration and small fuel oil facilities.

Granted.

The Committee on Science, Technology & Energy requested eight-calendar-day extensions on:

SB 102, establishing a committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on the state and to study certain incentives and propose a state policy regarding the use of alternative transportation fuel vehicles

SB 127, requiring that certain electric utility savings as a result of debt refinancings using tax-exempt pollution control revenue bonds be used for investment in energy conservation and efficiency

SB 187, relative to public utility ratemaking

SB 239, relative to the public utilities commission.

Granted.

The Committee on Transportation requested eight-calendar-day extensions on:

SB 164, relative to the OHRV fund

SB 194, relative to seatbelt legislation.

SB 202, relative to special plates and windshield placards for persons with walking disabilities.

Granted.

SENATE MESSAGE CONCURRENCE

HB 351, relative to the positions of town clerk, town treasurer, and tax collector and the terms for such positions.

HB 354, relative to electing planning board members in towns without a town council form of government.

HB 364, relative to the practice of architecture.

HB 443, relative to the applicability of the state-federal unemployment compensation extended benefit program and relative to the status of the commissioner of the department of employment security as an interested party in cases in controversy at the administrative level.

HB 470-FN-L, allowing selectmen or assessors to abate interest accrued on property taxes.

HB 486, designating segments of the Piscataquog River for the rivers management and protection program.

HB 499, changing a reference to a veterans organization and the qualifications for veterans' property tax credits.

HB 506, expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals.

HB 620, relative to unemployment benefits for domestic workers.

HJR 2, expressing the opposition of the general court to federal mandate legislation and asserting its right to determine and impose appropriate sanctions upon the driving privileges of offenders within its own state boundaries.

Rep. Ann Torr requested a quorum count. The Chair declared a quorum present.

SPECIAL ORDERS

HB 53-FN-A, repealing the credit to the business profits tax for payment of the nuclear property tax, repealing the non-severability of the credit to the business profits tax, and reinstating the franchise tax on electric utilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Garret P. Cowenhoven for Ways and Means: This bill is intended to eliminate the possibility of the Nuclear Property Tax being held unconstitutional by the United States Supreme Court. A Special Master appointed by the Supreme Court has recommended that the Court find the statute unconstitutional because payment of the Nuclear Property Tax is permitted as a credit against the Business Profits Tax. The credit, is eliminated retroactive to the date of enactment: July 1, 1991. The bill repeals the non-severability clause of 1991, 354:19 to ensure the result intended by the General Court, namely that any provision found to be unconstitutional would be severed prospectively. The bill refunds all of the Nuclear Property Tax collected between July 1991 and January 1993. The rate of the Nuclear Property Tax changes from .64% to .78%. This change will result in the State continuing to collect approximately \$24 million in Nuclear Property Tax, after the refunds are completed. Vote 16-2.

Reps. Gross and Trombly offered a floor amendment in place of the Committee amendment.

Floor Amendment (2327B)

Amend section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. In furtherance of the state's effort to remove all risk of an adverse ruling by the United States Supreme Court, the attorney general has entered into a settlement agreement. In order to facilitate and accomplish the terms of the settlement agreement, the general court adopts the provisions of this act.

Amend the bill by replacing all after section 3 with the following:

4 Nuclear Station Property Tax Rate. Amend RSA 83-D:3 to read as follows:

83-D:3 Tax Imposed.

I. For taxable periods ending before January 1, 1993, a tax is imposed upon the value of nuclear station property at the rate of .64 percent of valuation, to be assessed annually as of April 1 and paid in accordance with this chapter.

II. For the taxable period ending December 31, 1993, a tax is imposed upon the value of nuclear station property at the rate of .491 percent of valuation, assessed as of April 1, 1993, and paid in accordance with this chapter.

III. For the taxable period ending December 31, 1994, a tax is imposed upon the value of nuclear station property at the rate of .491 percent of valuation, assessed as of April 1, 1994, and paid in accordance with this chapter.

IV. For taxable periods ending after December 31, 1994, a tax is imposed upon the value of nuclear station property at the rate of .25 percent of valuation, to be assessed annually as of April 1, 1995, and every year thereafter, and paid in accordance with this chapter.

5 Valuation of Nuclear Station Property. Amend RSA 83-D:4 to read as follows:

83-D:4 Valuation.

I. For the purposes of the tax assessed prior to April 1, 1993, the commissioner of revenue administration shall determine the valuation of nuclear station property. For the purposes of this chapter, the commissioner shall appraise nuclear station property using the standard established pursuant to RSA 75:1.

II. For purposes of the tax imposed by this chapter assessed as of April 1, 1993, and for every year thereafter, the valuation of nuclear station property shall be \$3,000,000,000.

6 Filings. Amend RSA 83-D:7, III to read as follows:

III. For taxable periods ending before January 1, 1995, at the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current calendar year, based on the tax assessed for the preceding calendar year, accompanied by payment of 1/4 of the estimated tax due. Additional payments of 1/4 of the estimated tax shall be made on June 15, September 15 and December 15.

7 New Paragraph; Filings for Periods Ending After January 1, 1995. Amend RSA 83-D:7 by inserting after paragraph III the following new paragraph:

III-a. For the taxable periods ending after January 1, 1995, at the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current calendar year, based on the tax assessed for the preceding calendar year, accompanied by payment of 1/2 of the estimated tax due. An additional payment of 1/2 of the estimated tax shall be made on June 15.

8 Severability Clause. Amend 1991, 354:20 to read as follows:

354:20 Severability. [Except as provided in section 19,] If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this act are severable.

9 Definition of Settlement Agreement. For the purposes of sections 10 and 11 of this act, "settlement agreement" means the agreement dated as of April 8, 1993, executed by and between the attorney general of the state of New Hampshire, acting on behalf of the state of New Hampshire, and the state of Connecticut, the Commonwealth of Massachusetts, the state of Rhode Island and Providence Plantations and the owners of the nuclear property located at the Seabrook nuclear station.

10 Credit for Nuclear Property Tax Previously Collected. In order to complete the refund of nuclear property tax collected in 1991 and 1992, as provided in the settlement agreement, the commissioner of revenue administration shall refund up to \$8,800,000 of the tax imposed by this chapter for such taxes due on January 15, 1994, and up to \$8,800,000 of the tax imposed by this chapter for such taxes due on January 15, 1995. The aggregate refund shall be allocated to each person in the same proportion as such person's nuclear property ownership interest bears to the entirety of the ownership in the property, and each person's refund shall only be paid if that person has signed the settlement agreement. Each refund shall be made within 5 business days after the estimated tax payment imposed by this chapter is due and paid by each person. The refund for taxes due on January 15, 1994, shall be made in 2 equal payments, the first payment of which shall be made within 5 business days of the estimated tax payment due under RSA 84-D:7 on September 15, 1993, and the second refund payment within 5 business days of the estimated tax payment due on December 15, 1993. The refund for taxes due on January 15, 1995, shall be made in 2 equal payments, the first payment of which shall be made within 5 business days of the estimated tax payment due under RSA 84-D:7 on September 15, 1994, and the second refund payment within 5 business days of the estimated tax payment due on December 15, 1994. In the event any person fails to sign the settlement agreement by April 13, 1993, that person's allocable share of the refund shall revert to the general fund.

11 Collection of Business Profits Tax.

I. For persons that are not signatories to the settlement agreement, pursuant to the terms of the settlement agreement, the commissioner of revenue administration shall collect whatever business profits tax may have been avoided by a person through application of the credit provided by RSA 77-A:5, VI in the following manner: Each person subject to both RSA 83-D and RSA 77-A shall file an amended business profits tax return for 1991 and 1992, pursuant to RSA 77-A:8, and any additional tax shall be due and payable when the additional return is filed. No interest or penalty shall be assessed for taxes collected under this section.

II. For any person that is a signatory to the settlement agreement, pursuant to the terms of the settlement agreement, the commissioner shall collect a lesser amount in lieu of whatever business profits tax may have been avoided by a person through application of the credit provid-

ed by RSA 77-A:5, VI. This lesser amount is in recognition of the benefit to the state of receiving a release of all claims for further refunds and an agreement to not challenge the nuclear property tax in exchange for the state agreeing to refund an additional \$17,000,000 in the event the state: (a) fails to provide the refunds identified in section 10; (b) changes the tax imposed in section 4 prior to December 31, 1994, or (c) changes the valuation provided in section 5 prior to December 31, 1994. For signatories to the settlement agreement, collection of business profits tax that may have been avoided by a person through application of the credit provided by RSA 77-A:5, VI shall be made in the following manner: The portion of the refund due for taxes due on January 15, 1994, and January 15, 1995, respectively, allocable to a person pursuant to section 10 of this act, shall be reduced when each refund is made by an amount equal to the amount identified in Exhibit C to the settlement agreement, divided into as many equal parts as there are refunds made, pursuant to section 10. No interest or penalty shall be assessed for taxes collected under this section.

12 Transition Rule; Franchise Tax Estimates; Electric Utilities. Notwithstanding the provisions of RSA 83-C:3 and 4, each electric public utility shall file an estimate of its total franchise tax for the taxable period from May 1, 1993, to December 31, 1993. The report of such estimate and 1/2 of the total estimated public utility franchise tax for the period from May 1, 1993, to December 31, 1993, shall be due and payable on September 15, 1993, and the remaining 1/2 of such estimated tax shall be due and payable on December 15, 1993. All other tax payments shall be made in accordance with RSA 83-C.

13 Repeal. The following are repealed:

I. RSA 77-A:5, VI, relative to a credit against the business profits tax for payment of the nuclear property tax.

II. RSA 83-D:6, relative to providing a credit against the business profits tax for payment of the nuclear property tax.

III. 1991, 354:19, relative to the nonseverability of the business profits tax credit from the imposition of the nuclear property tax.

14 Effective Date.

I. Sections 1, 8 and 13 of this act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1991.

II. Sections 4 and 5 of this act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods ending on or after January 1, 1993.

III. Sections 2, 3, and 12 of this act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods ending on or after May 1, 1993.

IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Repeals the nuclear property tax credit against the business profits tax as of July 1, 1991.

(2) Adds electric utilities to the list of utilities under the franchise tax.

(3) Refunds some of the nuclear property tax revenues collected to date by providing a credit against the nuclear property tax over a 2-year period.

(4) Collects some of the business profits tax avoided through the use of the nuclear property tax credit by reducing the refund for the nuclear property tax by a portion of the business profits tax avoided.

(5) Decreases the nuclear property tax rate from .64 to .491 percent of valuation for 1993 and 1994 and from .491 to .25 percent of valuation as of January 1, 1995.

(Speaker Burns in the Chair)

Reps. Gross, Cowenhoven and Trombly spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

REMARKS

Reps. Rodeschin and Burling moved that the debate be printed in the Journal.

Rep. Burling spoke in favor.

Adopted.

Rep. Gross: In your seatpockets, you will see an amendment to HB 53, a floor amendment sponsored, as was the original bill, by Rep. Gross and Rep. Trombly. We are talking about settling the Seabrook tax case which, if we did nothing, would probably result in the State of New Hampshire having first to refund up to \$35 million in cash with or without interest to those folks who have paid it. Secondly, it would prohibit us from doing anymore taxing on the Seabrook plant in the near future. Obviously, this would be a catastrophe and HB 53 — in its original form and this amendment in the form that reflects what is beginning to be the settlement so that this does not happen — are what is in the amendment before you.

The very first paragraph says "In furtherance of the state's effort to remove all risk of an adverse ruling by the United States Supreme Court, the Attorney General has entered into a settlement agreement. In order to facilitate and accomplish the terms of the settlement agreement, the General Court adopts the provisions of this act."

What we are doing by adopting this amendment is setting the framework within which the final negotiations take place. It is sort of like, we pass a law and then the contracts are implemented by the Governor and Council. It is a situation very similar to that.

The Master who looked at this for the United States Supreme Court declared the whole thing unconstitutional because, as we passed it, it did not contain a severability clause which would have permitted the Master to say, "the part of it that deals with BPT credits is unconstitutional but the property tax part is okay" What happened was, in the Master's original opinion, the baby went out with the bath water.

If we do nothing we would be required, as I said, to refund \$35 million in July of this year and not collect anymore tax. What we can and are doing is taking out the part of the tax that is unconstitutional which is the removal of the credit against the BPT which permits some of the joint owners to be treated differently than other joint owners. It is what caused the problem. The point of the legislation is to repeal this credit retroactive to the date of enactment and we are also deleting the non-severability clause so that the property tax part of the tax is still there and this part of the tax does not have constitutional problems.

We are not going to pay back cash. As part of this agreement we will be giving credits for a period of a couple years to those folks who overpaid. While this will have to show on the revenue side of our balance sheet we are not going to have spend money to take care of this problem. At the end of the refund period — the end of the credit period, which interestingly enough sort of correlates with the time we are going to have troubles with medicaid money — instead of the \$23.5 million per year we were collecting originally, we are probably going to end up collecting approximately \$20 million per year. Once we work our way through this, we are going to be in fairly good shape.

It is important that we send this along today so that we can avoid having to spend the money on the Supreme Court case, among other things, and avoid having the Court actually take up the decision because you never know what they are going to do when they take it.

The refunds that are provided for under the amendment and under the bill will be done over the next three years. We are not going to refund, in a credit sense, the whole \$35 million. That is part of the arrangement, too. We are going to do \$16.5 million in 1994 and \$16.5 million in 1995 and \$2.5 million in 1996. But, at the same time we are going to be able to keep collecting the property tax. Some of the owners avoided paying BPT and part of the revenue we will be getting will be that they will pay the BPT that they owe, which for 1991 is approximately \$2 million and for 1992 approximately \$4 million. The franchise tax on electric utilities will be reimposed as part of this and this is a more reliable revenue source than the BPT. I am assured by the Attorney General's office and the Public Utilities Commission that the franchise tax imposition will not cause a rate increase for ratepayers in New Hampshire. In fiscal 1994, it will be approximately \$9.8 million in revenue and in fiscal 1995 approximately \$10.75 million in revenue. The franchise tax is only applied to retail sales in New Hampshire and so, if you are an out-of-state joint owner it does not give you a problem.

I can get more complicated with it and talk to you in considerably more detail but one of the parts of the settlement is that once you get everybody signed off and the ones we need to have signed off are the three states that sued us; once you get everybody signed off, part of the agreement is that it's over; they are not going to sue us any more. This is it. In addition to the three states involved, the Attorney General's office has been working with the joint owners of the

plant in-state and out-of-state and for several days now they have had agreement in theory from about 90 percent of the joint owners that what is in this amendment is fine. One of the things in the amendment is an incentive for the joint owners to sign off, because only by signing off do they get their refund credit. It is a complicated situation. I think in the end we are going to be about where we were before. It's taking us a couple of years longer than we had hoped to get there, but in putting together the budget for this year, this biennium and for the next biennium, this is one of the big pieces that needs to be resolved. Were we in a situation where at some point the United States Supreme Court told us to pay back \$35 million and stop collecting the tax, this state would have some serious problems. The amendment to HB 53 corrects those to the extent that we know of this instant. We would like to get it to the Senate today because there is a time constraint on this. If there are further small word changes that need to be done to make it perfect, they can be done in the Senate. We have a deadline for the Supreme Court here. They have been negotiating all Easter Saturday afternoon. They have been working nights and weekends and I think we are just about there. Thank you very much.

Rep. Kurk: Rep. Gross, could you give us, by fiscal year, the net impact on the State's general fund? Starting, I believe, in 1991, 1992, 1993 and going through 1997.

Rep. Gross: Let me see what I can find in my packet. I have some fiscal year stuff and some calendar year stuff. The fiscal note that I have ends up in fiscal 1994 with approximately \$20.2 million for the general fund and in fiscal 1995 for approximately \$20.7 million for the general fund. To get from here to there and handle the refunds you will see in the body of the amendment that the rate at which the property at Seabrook is taxed varies from year to year. Before this settlement it was 0.64. For the next two years, it goes down and is the same for two years and then when we are finished, there is a final figure applied to the value of the plant. This lets us get from here to there. You will notice that in every one of these instances the rate is lower than the current rate of 0.64 percent. I would be happy to let you look at the fiscal note, Rep. Kurk, if you would like to. It is a whole page and fairly complicated.

Rep. Keans: Rep. Gross, I can't get into the detail that Rep. Kurk does. Just for my mini-mind here, could you answer three questions for me?

One, aren't there some attorneys that worked very, very closely on this issue that think we stand a chance of winning the case in the Supreme Court?

Two, knowing that a Court does not rule on evidence that is not before the Court, it doesn't matter how much we are nice guys and trying to negotiate, there is not evidence before the Court and does not come into their ruling.

Three, knowing that the Master did not recommend a refund, I cannot understand why we would not fight this case and then as a fallback position, be working on something else.

I guess I need to know examples of the worst-case scenario.

Rep. Gross: Thank you. The worst case-scenario is the refund of the entire \$35 million and the inability to collect any more tax. The reason for that is that we did not have a severability clause. The Master does not have a problem with our property tax part. He has a problem with the BPT tax part. There are two dangers in addition to the expense in going to the United States Supreme Court with this case. One of them is the delay, if you are talking about \$35 million in putting a budget together. It is a big chunk of money. It is now the month of April and it would be highly unlikely, even if the Supreme Court decided to take the case and to give a ruling on it, that we would know in time for this budget cycle what it was we were doing. Other states, just like New Hampshire, in order to reassure their ratepayers, lack a certain consistency and a certain ability to plan and a certain understanding of how things are going to go. There also is the possibility that the Supreme Court having heard the case would send it back saying try it at the district court level using the Master's report as your basis. In that case, we would be stuck by starting with what the Master said. The Master said he didn't say "no refund;" he said, "pay it back and my only question is whether or not I'm going to ask you to pay interest." He said, "pay it back." I can, at some point, find you a copy of what he wrote.

Rep. John Chandler: Rep. Gross, in the original bill that we had, I noticed that the property tax rate was going up rather than down. My question is basically this. Is the 0.25 percent a target that is required of the potential agreement and if it is, how long are we locked into that? How long are we committed to that? Could that number be tampered with in the future?

Rep. Gross: As of January 1, 1995 we will have gone from 0.64 to 0.25 percent evaluation. This bill does fix the valuation. I would assume that the 0.25 percent stays unless it is changed. I would also assume that it would be the PUC and the like that would be working on that rather than us, but I am not positive. This is another instance in which we can lower a tax rate.

Rep. John Chandler: I'm sure it is a complicated question but the fundamental question is are we shooting to this 0.25 percent because of the revision in the revenues that we will get or are we at the 0.25 percent because we had to negotiate to that level in order to get settlement?

Rep. Gross: The 0.64 percent that we started with when we passed the tax was an arbitrary figure. It was picked out of the air on the last possible day before the calendar had to go to the printer because the Appropriations Committee needed \$24 million. Ways and Means had given up and Appropriations had given up and Rep. Hager got me a list and said \$24 million and we have a budget and no money and we don't. That is where the original figure came from. This is now a more rational process. What we are talking about now is nothing that needs to cover BPT credits. The rate can be lower. What they have done in projecting the fact no state wants to lose on this deal is that 0.25 percent in the end will accomplish that.

Rep. John Chandler: If I understand correctly then, at the next biennium, and we will not have Medicaid money to the same degree; we would not be bound by this agreement to hold to this 0.25 percent if it seems prudent to revise it upward?

Rep. Gross: What will happen if we pass this with 0.25 percent in it is that three states and 14 joint owners are going to do their plans and their rate bases and all the rest of it based on this 0.25 percent. I think you would find it extremely difficult to change it with one legislature acting unilaterally.

Rep. Dube: Rep. Gross, it might be two questions if you would allow me. I notice here that for the purpose of taxes imposed by this Chapter imposed as of April 1, 1993 and for every year thereafter the value....

Rep. Gross: Excuse me sir. Could you tell me what document you are working with and what page?

Rep. Dube: The amendment, page 1, section II. You have there an assessment of \$3 billion and it is not going to change over the years. How could this possibly be true and how can you really do this when the life expectancy of this plant is only so many years? Therefore, it should be depreciated yearly.

Rep. Gross: That is a very good question. I do not know the specific answer to it. I do know that both the Attorney General and Stan Arnold from the Department of Revenue Administration have been involved in this. We did do some depreciation when we originally passed the tax. It is very hard to do. All I can tell you, Rep. Dube, is I believe this problem is taken care of. I will get you an answer.

Speaker: The Chair will state that I think one of the following speakers worked on this and hopefully he will address it as he talks to the House. If the next speaker does not clear that up, he will yield to a question and you can ask him. Thank you.

Rep. Cowenhoven: Basically, we heard the amendment as you heard it this morning. We had the Attorney General and Attorney Judd testify in front of the Committee for almost an hour. Basically, Rep. Gross has covered the whole amendment. For me to go through it again would be redundant. Let me try to answer Rep. Dube's question. I believe that the reason it is going to say \$3 billion evaluation is that every year they take a certain amount of new capital to keep that plant running efficiently. That is why they are keeping it at the \$3 billion. You are right. You do depreciate it but there will be expenditures to keep the plant so it runs efficiently and safely and that is why it will stay at the \$3 billion level. The Committee approved the amendment 16-1. I will answer any questions.

Rep. Rubin: Rep. Gross alluded that 90 percent of the owners were amenable to the modifications that we have proposed. What do the 10 percent holdouts have a problem with?

Rep. Cowenhoven: All I know is that we do have holdouts and if you look at the amendment we take that into consideration. The people who do not buy off on this will not get the BPT credit back. If they do buy off they will get it back. In the amendment we have taken care of that for that 10 percent. Right now they are all negotiating.

Rep. O'Keefe: Rep. Cowenhoven, on the first page of the amendment section 2, where you set the evaluation at \$3 billion, did you take into consideration the impact that it would have on the local community like the town of Seabrook?

Rep. Cowenhoven: We did. This is for corporations that are paying tax on it and its depreciated value. As a town, you take it on the market values, therefore, your value. I believe you have it for Seabrook at \$3.4 billion. We take assessed value for property taxes when we talk about the tax rate on Seabrook property from the corporations. We're talking about from a historical cost basis and not from market value. That is the difference.

Rep. Dube: Did I understand you correctly when you said that they are going to invest money to continue the operation yearly and that would be capital expenditure?

Rep. Cowenhoven: They have to keep up the maintenance of it and they are capitalizing the maintenance to make sure the plant produces as well as it being safe. They feel that is why it will stay at the \$3 billion level. The amount of money they need to maintain the plant. They are capitalizing their maintenance costs to keep the plant at \$3 billion.

Rep. Dube: Isn't that a little unusual to charge maintenance expense to capital rather than to operating expenses? In the course of 20 years, the plant is going to be depreciated. They are going to spend a lot of money to decommission it. It is going to be worthless. How can you continue a \$3 billion assessment?

Rep. Cowenhoven: The reason they are doing it is to keep the tax rate up, number one. Number two, I hate to call it creative accounting, but if you do have an asset, let's say you have a machine, as it gets older you begin to buy other parts for it or you make additions to it to keep it functional. A lot of times general accounting principles will require you to capitalize the improvement to that machine so it keeps the production up to the level that you want.

Rep. Trombly: I don't know if this is an historic occasion, a red-letter day, but I plan on being two things today. The first is in complete agreement with my friend, Rep. Gross. The second is to be brief.

Mr. Speaker, in January, I'm certain you will remember that I stood up at this podium and urged the powers that be in the State of New Hampshire to do something about the nuke tax because I was afraid that if things continued down the path where they were headed, that we would lose not only this funding mechanism which was supported by the Democratic leadership two years ago, but we would also lose the \$34 million which we had already collected. I think that has been done.

Following that speech, I wrote a letter to the Attorney General and I said that I would support a revision of this tax on one condition. That it must be ratepayer neutral. When we enact this law, the people of this state should not pay more in their electric bills. This amendment and this law keeps that promise. I would caution this House. I don't think this particular form of taxation is truly a cash cow. If at any point this bill is not ratepayer neutral I have informed the Attorney General, the Governor's office, the Speaker's office and everyone I know that I'm out. I won't support it. I will work for its defeat. I mean that. The Governor's office, the Attorney General's office and everyone else assured me that this bill was ratepayer neutral. There is another group of people in whom I place a great deal of faith and trust and they are the Democrats on the Ways and Means Committee. It is to them in forming policy and making a decision on the position we will take as a party. It is to them that I turn. Today, they voted unanimously to support this amendment. We are in agreement. I believe that this source of funding must be maintained so that we can fund our budget. I believe that we have protected the ratepayers of this state. I'm satisfied that my conditions have been met. It is not a cash cow, my friends. We have to rely a little bit on faith here. I believe those people who have assured me that it is not ratepayer affecting.

Mr. Speaker, I believe this bill is so important and that we have such an agreement with so many parties, the utilities and the states and this legislature that we are facing a deadline and I would support a suspension of the rules if this legislation passes so that we can get it over to the Senate so there can be another round of public hearings and input and pass this so that the State of New Hampshire may not be placed in jeopardy in front of the United States Supreme Court. Thank you, Mr. Speaker.

Rep. Dunn: Would you believe, Rep. Trombly, that as a Democrat a few years ago I testified vehemently against the bill that became the law, but today I can, in good conscience, support the amendment?

Rep. Trombly: I would, Rep. Dunn and thank you.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **HB 53-FN-A**, repealing the credit to the business profits tax for payment of the nuclear property tax, repealing the non-severability of the credit to the business profits tax, and reinstating the franchise tax on electric utilities.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 53-FN-A, repealing the credit to the business profits tax for payment of the nuclear property tax, repealing the non-severability of the credit to the business profits tax, and reinstating the franchise tax on electric utilities.

HB 193-L, changing the school foundation aid distribution formula. OUGHT TO PASS WITH AMENDMENT

Rep. Douglas E. Hall for Appropriations: The amendment replaces the "hold harmless" section of the bill with a phased-in approach to implementing the revised formula for foundation aid. School districts will receive the amount they anticipated when building their budgets for FY 94. For FY 95 each district will get the average of what they would get under the current formula and what they would get under the new formula. For FY 96 the new formula would be fully implemented. The benefits of this approach are: (1) school districts have time to plan their future budgets; (2) no one-time or special funding is required of the state; (3) all foundation aid is budgeted in the usual manner and is found in its usual place in the state budget. Vote 12-6.

Rep. Larson moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Douglas Hall spoke in favor and yielded to questions.

Rep. Trombly spoke in favor.

Adopted.

HB 218-FN-A-L, relative to the driver training fund. OUGHT TO PASS WITH AMENDMENT

Rep. Gerald P. Merrill for Appropriations: This bill requires that \$150.00 be paid to participating schools for each student who has completed the driver education course. Funds will be received from the vanity plate fund. The balance of all such fees shall be transferred to the general fund. Vote 20-2.

Amendment (2045B)

Amend the bill by replacing all after the enacting clause with the following:

1 Per Pupil Sum Added. Amend RSA 263:52, II to read as follows:

II. Of the \$25 special fee for vanity number plates, \$5 shall automatically be credited to the driver training fund. The remaining part of the fee shall be deposited and accumulate in the vanity plate fund until all fees in such fund equal the amount of money estimated by the general court as available for expenditure for the driver training program from that fund for that fiscal year, *which shall include \$150 for each pupil who has completed the driver education program*. Once the legislative estimates have been matched for the current fiscal year, the balance of all such fees shall be transferred to the general fund and shall be available as unrestricted revenue.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that \$150 be paid to participating schools for each student who has successfully completed the driver's education course.

Adopted.

Report adopted and ordered to third reading.

HB 231-FN, transferring the amount above legislative estimates in the vanity plate fund from the general fund to the highway fund. INEXPEDIENT TO LEGISLATE

Rep. Robert L. Wheeler for Appropriations: The Committee felt that these funds are more appropriately placed in the general fund than in the restricted highway fund. Vote 20-2.

Adopted.

HB 249-FN-A, relative to a lease-purchase agreement between the city of Franklin and the state to construct a new district courthouse. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Appropriations: This bill, as amended, authorizes the design and construction of a new district courthouse in Franklin under a lease-purchase agreement between the state and the city. The city donates the land, easement and rights of way necessary for the site; the city also will issue bonds up to a million dollars for design and construction. Meanwhile, the state pays annual amortization charges for design and construction from general funds. The city leases the building to the state until all amortization charges have been paid by the state at which time the state has purchased the Franklin courthouse. Part two of the amendment extends lapse dates for appropriations for capital improvements formerly placed in the Capital Budget. Vote 21-0.

Amendment (2097B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a lease-purchase agreement between the city of Franklin and the state to design and construct a new district courthouse; and extending lapse dates for certain capital appropriations.

Amend the bill by replacing all after the enacting clause with the following:

1 City of Franklin; Department of Administrative Services; Lease-Purchase Agreement for Design and Construction of Courthouse Authorized.

I. The department of administrative services and the city of Franklin are authorized to enter into a lease-purchase agreement for the design and construction of a district courthouse in Franklin.

II. If the city of Franklin and the department of administrative services enter into such an agreement, the city shall issue bonds in an amount up to \$1,000,000 to pay the costs of design and construction of the courthouse. No portion of this bond issue shall be used to fund a police station or any project other than the courthouse. The bonds shall be 20-year bonds.

III. The city of Franklin shall lease the building to the state. The lease-purchase agreement shall include a requirement that the state pay the annual amortization charges, meaning principal and interest, on the original costs resulting from the design and construction of the courthouse from the general fund. The term "original costs", as used in this section, shall mean the entire cost of the design and construction of the courthouse, excluding the land, easements and rights-of-way necessary to the project which shall be donated by the city. When all amortization charges have been paid by the state, the state shall be deemed to have purchased the courthouse.

2 Lapse Dates Extended to June 30, 1994. The following appropriations are hereby extended to June 30, 1994:

I. The appropriation made to the department of administrative services in 1991, 351:1, II, A, for repair of the state house dome.

II. The appropriation made to the department of administrative services in 1991, 351:1, II, E, for renovations to the Coos county courthouse.

III. The appropriation made to the department of health and human services in 1991, 351:1, V, C, 4, for asbestos removal or containment at the youth development center which shall be transferred to the New Hampshire hospital.

IV. The appropriation made to the department of health and human services in 1991, 351:1, V, C, 7, d, for handicapped access, etc. to the James O. settlement, YDC.

V. The appropriation made to the liquor commission in 1991, 351:1, VI, B, for a liquor store on I-95.

VI. The appropriation made to the department of postsecondary technical education in 1991, 351:6, A, for the police standards and training range, dorm, and tactical building.

VII. The appropriation made to the department of corrections in 1988, 224:1, I, A as amended by 1989, 367:27, I and extended by 1991, 351:27, I, for prison construction in Laconia.

VIII. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 4 as extended by 1991, 351:27, II, 1, for aeronautics projects at Skyhaven airport.

IX. The appropriation made to the department of health and human services, division of public health services, in 1991, 351:1, V, D, 1 and 2, for laboratory modernization and radiological laboratory update.

X. The appropriation made to the department of resources and economic development, division of parks in 1991, 351:1, VIII, A, 1, for repairs and renovations system-wide for major deferred projects.

XI. The appropriation made to the department of safety in 1991, 351:1, IX, A, for Glendale dock repair.

XII. The appropriation made to the department of fish and game in 1991, 351:4, E, for the water system in Berlin.

XIII. The appropriation made to the department of postsecondary technical education in 1991, 351:1, VII, F, 1, for the parking lot at the New Hampshire technical institute in Concord.

3 Lapse Dates Extended to June 30, 1995. The following appropriations are hereby extended to June 30, 1995:

I. The appropriation made to the department of environmental services in 1989, 367:1, IV, A, 1 as extended in 1991, 351:27, II(g), and 1992, 149:2, I, for small watershed programs.

II. The appropriation made to the department of administrative services in 1991, 258:1 for land acquisition, design, construction, and furnishings of a new superior court in Rockingham county.

4 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill authorizes a lease-purchase agreement between the city of Franklin and the state to design and construct a new district courthouse. If the lease-purchase agreement is entered into, the city shall donate the land, easements and rights-of-way necessary for the construction of the courthouse, and shall issue bonds in an amount up to \$1,000,000 to pay the costs of design and construction. As part of the lease-purchase agreement, the state shall pay the annual amortization charges on the original costs resulting from the design and construction of the courthouse from the general fund. When all amortization charges have been paid, the state shall be deemed to have purchased the courthouse.

The bill also extends lapse dates for appropriations for capital improvements.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (2183B)

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 1 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect upon its passage.

Rep. Schotanus spoke in favor.

Adopted.

Report adopted and ordered to third reading.

HB 262-FN, providing a 5 percent cost of living adjustment for teacher members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Johnson for Appropriations: This bill provides a 5 percent cost of living adjustment for teacher members of the retirement system who retired before July 1, 1992. The adjustment financed by the special account under RSA 100-A:16(h) becomes effective July 30, 1993. An amendment protects the special account by providing that no supplemental allowance is to be granted that would result in a reduction in the funds of the special account to an amount less than zero. Vote 18-1.

Amendment (2030B)

Amend RSA 100-A:41-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A supplemental allowance shall only be granted or increased if such grant or increase would not result in a reduction in the funds in the respective component of the special account to an amount less than zero.

AMENDED ANALYSIS

As of July 1, 1993, this bill grants all retired teacher members of group I of the New Hampshire retirement system who retired prior to July 1, 1992, and who are receiving retirement allowances, except teachers retired prior to July 1957, an additional allowance of 5 percent.

The bill also provides that no supplemental allowance shall be granted or increased if that would reduce the funds in the member component of the special account which is used to fund the supplemental allowance to an amount less than zero.

Adopted.

Report adopted and ordered to third reading.

HB 317, requiring any surplus general fund moneys to be used to pay for solid waste facility closures. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: The amendment to this bill constitutes a major policy bill crafted by the Appropriations Committee in its effort to establish a workable funding mechanism to assist municipalities in dealing with the costly problem of closing solid waste landfills to help protect the state's water resources. By current DES estimates, closing municipally-owned leaking landfills throughout the state could cost up to \$200 million over the next 20 years. Before the Appropriations Committee is able to establish a specific funding mechanism for the state's share of the cost, it is necessary to assess the viability of the proposed policy. Environment and Agriculture Committee leadership agrees with our conclusions, and has agreed to study HB 317, as amended, and return its findings for House approval in the 1994 session. Vote 21-0.

Amendment (1889B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a grant program for closure of unlined solid waste landfills.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Grant Provision for Closure of Unlined Solid Waste Landfills Established. Amend RSA 149-M by inserting after section 32 the following new subdivision:

Aid to Municipalities for Closure of Unlined Solid Waste Landfills

149-M:33 Declaration of Policy. In recognition of the potential for harm to both public health and the environment which can result from an unlined solid waste landfill that has not been properly closed, it is hereby declared to be the policy of this state to encourage municipalities to close all unlined solid waste landfills in accordance with RSA 149-M:3 and 149-M:8.

149-M:34 Definitions. In this subdivision:

I. "Closure" means the process used to permanently cease use of a facility, or portion of such facility, in a manner that will minimize future risks of environmental damage.

II. "Department" means the department of environmental services.

III. "Eligible costs" means the costs of the closure of a solid waste landfill eligible to be covered by the grant established by this subdivision, and shall include costs of hydrogeological and engineering investigation and design, capital construction of closure elements required by rules adopted pursuant to RSA 149-M:3 and 149-M:8, and construction supervision. Eligible costs shall exclude land acquisition, except for land which is necessary to the physical elements of closure of an unlined landfill, and any administrative, legal and fiscal costs related to the closure.

149-M:35 State Contributions. The state shall pay annually 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible costs resulting from the closure of unlined solid waste landfills by municipalities in accordance with RSA 149-M:3 and 149-M:8.

149-M:36 Equitable Allocation of Costs. Notwithstanding any other provision of this subdivision, the department shall not approve any contribution under RSA 149-M:35 unless it shall first have information presented to it by the applicant that the applicant has adopted a system of setting aside municipal revenues dedicated to the closure of all publicly owned or operated solid waste facilities in the municipality.

149-M:37 Application for Grant. Application for a grant under the provisions of this subdivision shall be made in accordance with rules adopted by the department under RSA 541-A.

149-M:38 Application Agreement. Applications for state grants under this subdivision shall contain an agreement that the applicant has closed or shall close the unlined solid waste landfill in accordance with plans and specifications approved by the department and will provide proper post-closure monitoring and maintenance of the landfill. Such plans and specifications shall not be more stringent than federal requirements. Failure to close the solid waste landfill in accordance with plans and specifications approved by the department or to provide proper post-closure monitoring and maintenance of the landfill shall result in loss of payments of the annual grant installment next following such failure. Such loss of payment of the annual grant installment shall continue in effect until such time as the municipality has completed the steps necessary to close the landfill in accordance with plans and specifications approved by the department and has provided proper post-closure monitoring and maintenance of the landfill.

149-M:39 Eligibility and Priority of Applications.

I. The department shall establish and maintain a list of closures eligible to receive grants pursuant to RSA 149-M:35. The list shall identify the projects in priority order beginning with the highest priority as set forth in RSA 149-M:41.

II. The list for each fiscal year shall be prepared based on information supplied to the department by the applicant no later than February 1 prior to the beginning of each fiscal year.

III. The commissioner or designee shall hold an annual public hearing to receive testimony on the list proposed for each fiscal year. After considering the testimony offered at the hearing, the commissioner shall prepare the final list, and assistance shall be granted in the fiscal year accordingly.

IV. Notwithstanding any other law to the contrary, the provisions of this section shall not be subject to RSA 541-A.

149-M:40 Assistance to Municipalities. The department shall have the duty to:

I. Provide advice to municipalities engaged in:

- (a) Preliminary project planning and design;
- (b) Development of closure plans; or
- (c) Development of grant applications for funding under this subdivision:

II. Review and approve preliminary and final closure plans for the proposed project, in accordance with RSA 149-M:3 and 149-M:8.

III. Review and approve revisions or formal addenda to approved plans and specifications.

IV. Process grant applications for state approval.

V. Perform periodic site inspections as necessary.

VI. Review and approve change orders during the construction period.

VII. Conduct an inspection of the landfill upon completion of the closure work and certify substantial completion.

VIII. Based upon a satisfactory construction completion inspection, review and approve final eligible project costs.

149-M:41 Priorities. Considerations for determining eligibility for assistance shall be as follows, in order of highest to lowest priority:

I. Facilities with closure plans that have been approved and are ready for construction, and within this group the priority shall be as follows:

- (a) Facility poses an immediate risk to human health.
- (b) Facility poses a potential risk to human health.
- (c) Facility has an identified high level source of contamination.
- (d) Facility has an identified surface water impact.
- (e) Facility has an approved closure plan ready for construction.

II. Facilities with closure plans that have been deemed complete, and within this group the priority shall be as follows:

- (a) Facility poses an immediate risk to human health.
- (b) Facility poses a potential risk to human health.
- (c) Facility has an identified high level source of contamination.
- (d) Facility has an identified surface water impact.
- (e) Facility has a closure plan that has been deemed complete.

III. Facilities for which hydrogeological investigations have been initiated in accordance with a work plan approved by the department, which have obtained a groundwater permit, and which are actively in the process of having a closure system designed.

IV. Facilities for which hydrogeological investigations have been initiated in accordance with an approved workslope and for which closure is actively being pursued.

V. Facilities which show high concentrations of groundwater impact in an area where drinking water is drawn from the groundwater, and an alternative water supply is not available.

VI. Facilities which show high concentrations of groundwater impact in an area where drinking water is drawn from the groundwater, and an alternative water supply is available.

VII. Facilities which show low concentrations of groundwater contamination in an area where drinking water is drawn from the groundwater, and an alternative water supply is not available.

149-M:42 Applicability; Reimbursement of Eligible Costs. The department shall determine the eligible costs of each municipal solid waste landfill completed between fiscal year 1985 and fiscal year 1995 in accordance with the records on file at the department pertaining to each such closure and its eligible costs. The department shall assume 20 percent of such eligible costs and the interest cost related to that 20 percent on bonds issued on such projects beginning on July 1, 1995. The department shall determine the amount due for such eligible costs prior to July 1, 1995 and, with prior approval of the fiscal committee and the governor and council, reimburse each municipality subject to the funds as appropriated by the legislature for this purpose.

2 Effective Date. This act shall take effect July 1, 1995.

AMENDED ANALYSIS

This bill requires the state to pay qualifying municipalities 20 percent of the eligible costs resulting from the closure of unlined solid waste landfills beginning with closures completed as of fiscal year 1985, subject to appropriated funds.

Adopted.

Rep. Schotanus moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Musler spoke in favor.

Adopted.

HB 435-FN, relative to an alternate state contribution for surface water treatment systems. **UGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: The provisions of the federal Safe Drinking Water Act, require 34 New Hampshire public water systems to construct new water treatment facilities at an estimated cost of \$80 million. An additional 21 systems will be required to upgrade present systems at an estimated cost of \$27 million, for a total estimated cost of \$107 million. Estimated cost to the state to assist towns in meeting this federal mandate will be approximately \$21.4 million over a twenty-year period. This bill, as amended, establishes the state program to pay 20% of the eligible costs of construction or upgrade of public surface water treatment facilities to meet the requirements of the Safe Drinking Water Act. It also authorizes payment of 20% of eligible costs to 9 towns which have completed water system improvements during the period 1986-1993. Approximately \$844,000 in FY 93 available waste water treatment monies will be distributed to the towns of Ashland, Campton, Canaan, Gorham, Woodsville, Laconia, Newport, Meredith, and Warner. \$502,439 in FY 94 and \$694,439 in FY 95, in general funds, are also appropriated to start the program in the current biennium. Estimated annual cost to the state beginning in FY 96 is \$2.4 million. Vote 20-0.

Amendment (2127B)

Amend RSA 486-A:2 and RSA 486-A:3 as inserted by section 1 of the bill by replacing them with the following:

486-A:2 Definitions. In this chapter:

I. "Construction" means:

(a) The installation or building of:

(1) new wells or well buildings; or

(2) filtration systems and associated pump stations, pump equipment, chemical treatment systems, telemetry and metering equipment, and storage tanks; and

(3) distribution mains and valves needed to interconnect the new wells or filtration system to the existing system as may be required by the division and the EPA.

(b) Altering, improving or adding to existing water treatment facilities.

(c) Engineering services related to the activities identified under this paragraph:

II. "Division" means the water supply and pollution control division of the department of environmental services.

III. "Eligible costs" means the actual cost of construction and related services necessary for a municipality to comply with the surface water treatment rules of the department of environmental services and the EPA, but shall not include the following:

(a) Land acquisition, except for land which shall be an integral part of a well system or filtration system;

(b) Easements and rights-of-way necessary to the project;

(c) Distribution systems and any improvement thereto not necessary for the municipality to achieve compliance with the surface water treatment rules; and

(d) Any administrative, legal, and fiscal costs related to the project.

IV. "EPA" means the United States Environmental Protection Agency.

486-A:3 State Contribution.

I. Any public water system which is or was required, beginning in 1986, to achieve compliance with the surface water treatment rules of the EPA or the rules of the New Hampshire department of environmental services adopted to implement the Federal Safe Water Drinking Act amendments of 1986 shall be eligible for a state contribution. As its contribution, the state shall pay 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible costs resulting from the construction of new wells or a filtration system to meet the requirements of the surface water treatment rules.

II. To be eligible under this chapter, construction shall be necessary in order for the public water system to comply with the surface water treatment rules of the division or the EPA, or both. Plans for construction shall be approved in accordance with the provisions of RSA 485:8.

Amend RSA 486-A:9, II as inserted by section 1 of the bill by replacing it with the following:

II. Review the defined project and confirm that it meets the surface water treatment rule requirements of the state of New Hampshire and the EPA in accordance with the requirements of 40 CFR Subpart H.

Amend the bill by replacing all after section 3 with the following:

4 Transfer of Funds.

I. The sum of \$900,000 appropriated in 1991, 312:1 to PAU 03, 04, 03, 01, 04, Class 90 grants shall be transferred to PAU 03, 04, 03, 01, 01, Class 90 grants within the department of environmental services for fiscal year 1993. This appropriation shall not lapse until June 30, 1995.

II. The appropriation in paragraph I of this section shall be used to reimburse municipal public water systems for expenditures for projects eligible under the provisions of this act made between 1986 and 1993 to comply with the requirements of the surface water treatment rules adopted under the federal safe drinking water act amendments of 1986. These payments shall be made in a lump sum which shall include reimbursement for eligible costs, as determined by the department of environmental services in accordance with the provisions of this act, to the following systems:

(a) Ashland

(b) Campton

(c) Canaan

(d) Gorham

(e) Woodsville

(f) Laconia

(g) Newport

(h) Meredith

(i) Warner

5 New Section; Exclusion from Utility Rate Base. Amend RSA 378 by inserting after section 30-b the following new section:

378:30-c Exclusion of State Grant Funds From Rate Base. The commission shall exclude any grants provided by the department of environmental services under RSA 486-A from the rates of water utilities. Utilities shall comply with the notice provisions of RSA 486-A:10 concerning such grants.

6 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1993.

Adopted.

Rep. Schotanus yielded to questions.

Report adopted and ordered to third reading.

HB 450-FN-A, appropriating matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Appropriations: The Committee believes that state support for a museum of New Hampshire history serves the best interests of our school children, citizens and businesses. The \$250,000 in general funds appropriated under this bill is to be matched on a 2:1 basis by the New Hampshire Historical Society as part of a \$3.7 million expansion involving the Stone Warehouse in Eagle Square. Vote 15-3.

Rep. Gorman moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Kurk and Fuller Clark spoke against and yielded to questions.

Rep. Leonard Smith spoke against.

Rep. Frances Riley spoke in favor.

The motion failed.

Amendment (1997B)

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. The general court recognizes that the New Hampshire Historical Society is in the process of creating a new statewide museum of New Hampshire history. The society purchased the Stone Warehouse in Concord's Eagle Square to be renovated to provide much needed exhibit space and classrooms. The creation of this new statewide museum will provide an educational center for the study of New Hampshire history for both children and adults. In particular the society intends to dedicate 4,000 square feet for educational activities directly related to the teaching of New Hampshire history and has set a goal of reaching 80 percent of all public school fourth graders during the year 1996.

Amendment adopted.

Report adopted and ordered to third reading.

HB 453-FN, relative to delays in processing applications for state public assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sharon L. Nordgren for Appropriations: This bill requires the division of human services to reimburse a town or city for funds expended in general assistance as a result of the division's lack of compliance to meet the federally-mandated time periods for general assistance. The delays are usually the result of division volume of work, client paperwork confusion or medical eligibility determination procedures. This issue has been before the Legislature in past sessions and although the situation is somewhat improved, it was felt by the majority of the committee that the state must reimburse communities for these public assistance costs. The amendment limits the cost to the state at \$100,000 for each fiscal year to be paid at the end of the year after proper documentation by the municipalities. Vote 14-5.

Amendment (2005B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to delays in processing applications for state public assistance,
and making an appropriation therefore.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Town or City Reimbursement for General Assistance. Amend RSA 165 by inserting after section 20-b the following new section:

165:20-c Reimbursement from the State of New Hampshire.

I. If any person receiving general assistance from a town or city under the provisions of this chapter is deemed to be eligible for assistance under the provisions of RSA 167, the division of human services shall reimburse such town or city the amount of assistance provided by the town or city as a result of the division of human services' delays in processing within the federally mandated time periods.

II. Any claims for reimbursement under this section shall be held until the end of the fiscal year. If the total of all claims for reimbursement does not exceed \$100,000, all validated claims shall be paid in full. If such total exceeds \$100,000, claims shall be reimbursed on a prorated basis so that the total paid out for claim shall not exceed \$100,000.

2 Expense of General Assistance; Reference Added. Amend RSA 165:2-a to read as follows:

165:2-a Expense of General Assistance. The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c and 165:20-c.

3 New Section; Rulemaking. Amend RSA 165 by inserting after section 34 the following new section:

165:35 Rulemaking. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

I. Establishing forms for claims under RSA 165:20-c.

II. Processing and validating claims under RSA 165:20-c.

III. Any other matter necessary for the administration of this chapter.

4 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 1994, and the sum of \$100,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of health and human services for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill requires the division of human services to reimburse a town or city, for funds expended in general assistance as a result of the division's lack of compliance to meet the federally mandated time periods for general assistance.

This bill requires that any claims for reimbursement be held until the end of each fiscal year and then be reimbursed on a prorated basis if the total claims exceed \$100,000.

This bill also makes an appropriation to the division of human services.

Adopted.

Report adopted and ordered to third reading.

(Rep. Michael Hill in the Chair)

HB 491-FN-A-L, requiring that certain medicaid enhancement funds be used to augment the funding distributed under the Augenblick formula for state aid to education. RE-REFER TO COMMITTEE

Reps. Channing T. Brown and Joanne A. O'Rourke for Appropriations: A motion to pass this bill with a clarifying amendment failed in committee by one vote. A motion to kill the bill succeeded by the same margin. However, the committee voted to reconsider its decision and now recommends unanimously that the bill be re-referred. This preserves the committee's option to re-visit the issue when the overall budget is completed and when the fiscal picture is clearer. Vote 19-0.

Rep. Teague spoke against and yielded to questions.

Rep. Channing Brown spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 204

NAYS 141

**YEAS 204
BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Rosen, Ralph
Ziegler, Alice

Cain, Thomas
Johnson, Carl
Salatiello, Thomas

Campbell, Richard, Jr.
Lawton, David
Smith, Linda

Hauck, William
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Wiggin, Allen

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Saunders, Howard

CHESHIRE

Avery, Stephen
Metzger, Katherine

Delano, Robert
Pearson, Gertrude

Hunt, John
Perry, David

Manning, Joseph
Royce, H. Charles

COOS

Bradley, Paula
Pratt, Leighton

Burns, Harold

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Channing
Eaton, Stephanie
Scanlan, David
Ward, Kathleen

Bean, Pamela
Chase, Paul, Jr.
Hill, Richard
Teschner, Douglass

Below, Clifton
Dow, David
LaMott, Paul
Trelfa, Richard

Brown, Alson
Driscoll, William
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Ahrens, Frederick
Arnold, Thomas, Jr.
Chabot, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Gagnon, Eugene
Hunter, Bruce
Kelley, Robert
Lozeau, Donnalee
McRae, Karen
Morello, Michael
Peters, Stanley
Rodgers, G. Philip
Upton, Barbara
Wheeler, Robert

Amidon, Eleanor
Bowers, Dorothy
Cowenhoven, Garret
Donovan, Francis
Fenton, James
Holden, Carol
Jasper, Shawn
Kurk, Neal
Mason, Howard
Mercer, Robert
Packard, Bonnie
Record, Alice
Rothhaus, Finlay
Vanderlosk, Stanley
Wright, George

Andrews, Frederick
Burke, M. Virginia
Daniels, Gary
Drolet, Paul
Ferguson, Charles
Holley, Sylvia
Jean, Loren
Lefebvre, Roland
McCann, Bonnie
Mittelman, David
Pepino, Leo
Rheault, Lillian
Sargent, Maxwell
Weergang, Alida

Arnold, Barbara
Calawa, Leon, Jr.
Dodge, Emma
Dyer, Merton
Fields, Dennis
Holt, David
Kelley, Dana
Lown, Elizabeth
McCarty, Winston
Moncrief, Keith
Perkins, Paul
Riley, Frances
Searles, Stanley, Sr.
Wells, Peter, Sr.

MERRIMACK

Apple, Lowell
Chandler, John
Johnson, C. William
Lockwood, Robert
Stapleton, Henry

Barberia, Richard
Daneault, Gabriel
Kennedy, Richard
Nichols, Avis
Whalley, Michael

Buessing, Marjorie
Fillion, Paul
Kidder, William
Pfaff, Terence
Whittemore, James

Chandler, Earle
Hall, Douglas
Langer, Ray
Regan, Maurice
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Clark, Vivian
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
Miller, Don
Pratt, Katharin
Rosencrantz, James

Arndt, Janet
Bove, Martin
Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Bill
Klemarczyk, Thaddeus
Lovejoy, Marian
Moore, Benjamin
Pullman, Robert
Rubin, George

Battles, Marjorie
Campbell, Marilyn
Cote, Charles
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Senter, Marilyn

Beaulieu, Jon
Chester, Sherman
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Packard, Sherman
Richards, David
Skinner, Patricia

Smith, Arthur
Warburton, Calvin
Yennaco, Carol

Sytek, Donna
Welch, David

Sytek, John
Weyler, Kenneth

Vaughn, Charles
Woods, Deborah

STRAFFORD

Brown, George
Hilliard, Dana
Torr, Franklin

Brown, Julie
Musier, George
Torr, Ralph

Douglass, Clyde
Nehring, William
Wasson, Richard

Hemon, Roland
Torr, Ann

SULLIVAN

Lindblade, Eric
Stamatakis, Carol

Peyron, Fredrik

Rodeschin, Beverly

Schotanus, Merle

**NAYS 141
BELKNAP**

Golden, Paul

Lafiam, Robert

CARROLL

None

CHESHIRE

Bonneau, Sarah
Foster, Katherine
McNamara, Wanda
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara
Young, David

Champagne, Richard
Lynch, Margaret
Riley, William

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Coulombe, Henry
Mayhew, Josephine

Foss, Frederic
Mears, Edgar

Harwell, Tyler
Wiswell, James

Hawkinson, Marie

GRAFTON

Brown, Patricia
Larson, Nils, Jr.

Copenhaver, Marion
McIlwaine, Deborah

Guest, Robert
Nordgren, Sharon

Ham, Bonnie

HILLSBOROUGH

Ahem, Richard
Bergeron, Normand
Cote, David
Durham, Susan
Gosselin, Gerald
Hanselman, Gregory
Johnson, Lionel
Laughlin, J. Francis
Milligan, Robert
O'Rourke, Joanne
Reidy, Frank
Soucy, Richard
White, John

Ahlgren, Madelyn
Buckley, Raymond
Crotty, Edward
Dwyer, Patricia
Greenberg, Gary
Hart, Nick
Kirby, Thomas
Lessard, Rudy
Morrissette, Roland
Paquette, Rodolphe
Smart, John
Tate, Joan

Bagley, Amy
Cepaitis, Elizabeth
Daigle, Robert
Foster, Linda
Haettenschwiller, Alphonse
Holt, Mark
L'Heureux, Robert
Martin, Mary Ellen
Murphy, Robert
Philbrook, Paula
Smith, Leonard
Toomey, Kathryn

Bergeron, Lucien
Clemons, Jane
Drabinowicz, A. Theresa
Gervais, Glen
Hall, Betty
Jean, Claudette
Lachut, Ervin
Messier, Irene
Nardi, Theodora
Plourde, Alphonse
Soucy, Donna
Turgeon, Roland

MERRIMACK

Braiterman, Thea
French, Barbara
Newland, Matthew
Teague, Bert

Carter, Susan
Gilbreth, Robert
Owen, Derek
Trombly, Rick

Dunn, Miriam
Houlahan, Thomas
Rogers, Katherine
Weeks, John, Jr.

Feuerstein, Martin
Johnson, Joyce May
Soldati, Jennifer
Yeaton, Charles

ROCKINGHAM

Bell, Juanita
Crossman, Harold, Jr.
McGovern, Cynthia
Stone, Joseph

Caswell, Albert, Jr.
Groves, Bonnie
Newman, Rick
Syracusa, Anthony

Clark, Martha
Hurst, Sharleene
O'Keefe, Patricia
Teminko, Margaret

Coes, Betsy
Kane, Cecelia
Pantelakos, Laura
Williamson, William

STRAFFORD

Callaghan, Frank	Chagnon, Ronald	Gilmore, Gary	Hambrick, Patricia
Keans, Sandra	Kincaid, William	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert
Merrill, Amanda	Merritt, Deborah	O'Brien, John	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Snyder, Clair	Spear, Barbara
Sullivan, Henry	Wall, Janet	Wheeler, Katherine	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Domini, Irene
Flint, Gordon	Holl, Ann	Kane, Joan	

and the report was adopted.

HB 556-FN-A, offering a reward for the apprehension of former Newport district court judge, John C. Fairbanks, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert A. Johnson for Appropriations: In recommending passage of this bill, the Committee took into consideration the alleged extensive embezzlement record of former Judge John C. Fairbanks involving millions of dollars which financially and emotionally devastated many victims. Also of concern was the special and unusual consideration extended to Judge Fairbanks leading up to his alleged absconding. Weighing heavily too was the fact that he was at the time a state official occupying a position of trust and respect. As amended the bill sets a time limit ending June 30, 1995 and provides for a recovery process if the reward is paid. Vote 16-3.

Amendment (2071B)

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Apprehension of John C. Fairbanks. The sum of \$20,000 for the biennium ending June 30, 1995, is hereby appropriated to the department of justice as a reward to the person or persons whose information leads to the apprehension and conviction of former Newport district court judge, John C. Fairbanks. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Bankruptcy; Claim Required. The department of justice shall file a claim, to recoup the reward moneys awarded under section 1 of this act, in any pending bankruptcy proceeding involving John C. Fairbanks upon his apprehension.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill offers a reward for the apprehension of former Newport district court judge, John C. Fairbanks.

This bill also requires the department of justice to file a claim in any pending bankruptcy proceeding involving John C. Fairbanks upon his apprehension.

Adopted.

Report adopted and ordered to third reading.

HB 567-FN-A, requiring the office of state planning to conduct a satellite survey of clearcut areas and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: This bill, as amended, funds a satellite survey of timber clear-cutting areas to obtain needed data for on-going forest clear-cutting policy considerations. \$14,000 of the \$20,000 appropriation needed to fund this project is provided by federal funding, and the remaining \$6,000 will be a charge against the GIS system under the supervision of the office of state planning unless additional grant money can be obtained. Vote 17-1.

Amendment (2085B)

Amend the bill by replacing section 2 with the following:

2 Appropriation.

I. The sum of \$20,000 for the fiscal year ending June 30, 1994, is hereby appropriated to the office of state planning for the purposes of this act. This appropriation shall be nonlapsing.

Of this sum \$6,000 shall be from funds appropriated to PAU 01, 03, 01, 03, 01 geographic information system - Class 91. The remaining \$14,000 shall be appropriated from the general fund and shall be in addition to any other funds appropriated to the office of state planning. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. Any federal and other funds received for the purposes of this act shall be used to reimburse the general fund for the \$14,000 appropriation made in paragraph I.

Adopted.

Report adopted and ordered to third reading.

HB 572-FN-A, authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund and appointing special duty forest rangers, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: This bill, as amended, establishes a Forest Management and Protection Fund as a first, and very conservative, step to improve the state's ability to manage state-owned forest lands and enforce forest harvest laws. Revenues are derived from partial receipts from the sale of state-owned timber; administrative fines and leases in excess of \$150,000, which continues to be deposited in the general fund. The amendment also removes an appropriation of \$30,000 per year, which will be included in the biennial budget. Vote 18-0.

Amendment (2042B)

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the division of forests and lands to assess administrative fines,
establishing a forest management and protection fund,
and appointing special deputy forest rangers.

Amend RSA 219:14-a, II as inserted by section 3 of the bill by replacing it with the following:

II. The forest management and protection fund shall be a nonlapsing fund administered by the treasurer of the state of New Hampshire. The fund shall be continually appropriated and expended at the discretion of the director of the division of forest and lands and the commissioner of the department of resources and economic development. Any funds in excess of that appropriated from the fund may be expended by the commissioner, with prior approval of the fiscal committee and governor and council, in accordance with RSA 219:14-A, I. Revenues shall be derived from the proceeds of the sale of timber and other forest products from state-owned forest lands, the amount of which shall be the difference between the total receipts from the sale of timber within any fiscal year, and \$150,000, the average annual stumpage receipt from the sale of timber from state forest lands for the period 1983-1992. Revenues shall also be derived from the lease of state-owned forest lands, or billable services provided by the division of forests and lands, if the revenues are not dedicated to any other purpose. Revenues for the fund shall also be derived from administrative fines collected pursuant to RSA 224:47-a.

Amend the bill by replacing section 5 with the following:

5 New Subparagraph; Forest Management and Protection Fund. Amend RSA 6:12 by inserting after subparagraph (zz) the following new subparagraph:

(aaa) Moneys received by the department of resources and economic development for the forest management and protection fund established under RSA 219:14-a.

AMENDED ANALYSIS

This bill:

- (1) Authorizes the director of the division of forest and lands to assess administrative fines.
- (2) Establishes a forest management and protection fund to be used to manage and protect state and private forest lands.
- (3) Allows the director of the division of forests and lands to appoint special deputy forest rangers.

Adopted.

Report adopted and ordered to third reading.

HB 589-FN, requiring certain entities performing medical utilization review services to register with the insurance department. **OUGHT TO PASS**

Rep. Joanne A. O'Rourke for Appropriations: The majority of the Appropriations Committee agreed that this bill has no fiscal impact. Vote 11-10.

Adopted and ordered to third reading.

HB 597-FN, relative to the New Hampshire Native Plant Protection Act and making an appropriation for the natural heritage inventory program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Neal M. Kurk for Appropriations: The Committee's amendment continues the program while eliminating another dedicated fund. The appropriation for the program has been removed from the bill so that it may be included in the operating budget. Vote 14-3.

Amendment (2075B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the New Hampshire Native Plant Protection Act.

Amend the bill by replacing all after section 6 with the following:

7 Cooperation with Other State Agencies. RSA 217-A:7 is repealed and reenacted to read as follows:

217-A:7 Cooperation with Other State Agencies. All state agencies, consistent with their authority and responsibilities, shall assist and cooperate with the commissioner to carry out the purposes of this chapter. To the extent possible actions funded or carried out by state agencies shall not jeopardize the continued existence of any protected plant species.

8 New Subparagraph; Fee Authorized. Amend RSA 217-A:8, II by inserting after subparagraph (f) the following new subparagraph:

(g) Fees to be charged and collected to cover the costs of services rendered under this act, which shall be deposited into the general fund as unrestricted revenue.

9 Prohibited Acts. RSA 217-A:9 is repealed and reenacted to read as follows:

217-A:9 Prohibited Acts.

I. It shall be a violation of this chapter for any person, other than the owner of private property on which the species listed under RSA 217-A:5 is located to:

(a) Export any protected species from the state.

(b) Import any protected species into the state.

(c) Transport any protected species within the state.

(d) Take, possess, sell, offer for sale, deliver, carry, transport or ship, by any means, any protected species from public highways, public property, waters of the state or from property of another without required and valid state or federal permits.

(e) Otherwise violate any rule adopted under RSA 217-A:8 relative to the conservation or protection of any species listed under RSA 217-A:5.

II. Nothing in this section shall limit the rights of private property owners to take protected species on their own lands.

III. The natural heritage inventory program, except as provided in RSA 217-A:9, I shall act as an information resource program to assist and advise state and local agencies, and private sector development projects upon request.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Requires the commissioner of the department of resources and economic development to establish programs to ensure the protection of threatened plant species and to adopt, by rule, an inventory of threatened plant species.

(2) Allows the commissioner to establish a fee to cover the costs of services required by this bill.

Adopted.
Report adopted and ordered to third reading.

HB 616-FN-A-L, providing for property tax relief and making an appropriation therefor. **REFER TO COMMITTEE**

Rep. Charles L. Vaughn for Appropriations: A motion to kill the bill failed on a tie vote. A motion to re-refer passed, with the understanding that the Chairman would ask the Speaker to re-refer the bill to Appropriations. This preserves the Committee's option to re-visit the issue when the overall budget is completed, and the fiscal picture is clearer. Vote 11-5.

Adopted.

(RECESS)

(Rep. Michael Hill in the Chair)

HBI 6, relating to the financing of gubernatorial transitions. OUGHT TO PASS

Rep. Stacey W. Cole for Appropriations: This bill calls for a study by the Appropriations Committee to review the use of corporate contributions to pay for salaries and other expenses for the governor-elect transition. In the course of this review the Committee shall consider whether there should be disclosure of such contributions under the ethics laws, whether the legislature should make a contribution sufficient to pay transition costs and other matters the Committee deems relevant. Vote 19-1.

Adopted and ordered to third reading.

CACR 10, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: RE-REFER TO COMMITTEE.

Rep. H. Thayer Kingsbury for the Majority of Constitutional and Statutory Revision: The committee could not reach a clear consensus on several issues including the override vote. Also, the committee questioned the need for this constitutional amendment. Vote 14-4.

Rep. Sharleene P. Hurst for the Minority of Constitutional and Statutory Revision: The Minority of the Committee believe that CACR 10 should be presented to the people of New Hampshire. Although this bill needs some work, the intent has broad popular and bipartisan support on the state and federal level. We recognize that there are some problems with the language of the bill, but the subcommittee has spent a great deal of effort in an attempt to resolve those problems. Because of the large amount of interest in the legislation, the Minority would like to have time to resolve those problems.

Roll call request sufficiently seconded. The question being the adoption of the Majority report.

YEAS 176

NAYS 116

**YEAS 176
BELKNAP**

Campbell, Richard, Jr.
Rosen, Ralph

Hauck, William
Salatiello, Thomas

Holbrook, Robert
Turner, Robert

Rice, Thomas, Jr.
Ziegler, Alice

CARROLL

Chandler, Gene
Saunders, Howard

Foster, Robert
Wiggin, Allen

Lyman, L. Randy

Philbrick, Donald

CHESHIRE

Avery, Stephen
Lynch, Margaret
Richardson, Barbara

Champagne, Richard
McGuirk, Paul
Riley, William

Foster, Katherine
Metzger, Katherine
Robertson, Timothy

Kingsbury, H. Thayer
Pearson, Gertrude
Royce, H. Charles

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Foss, Frederic
Mayhew, Josephine
Wiswell, James

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Bean, Pamela
Copenhaver, Marion
Scanlan, David

Below, Clifton
Guest, Robert
Wadsworth, Karen

Brown, Channing
Larson, Nils, Jr.
Ward, Kathleen

Brown, Patricia
Nordgren, Sharon

HILLSBOROUGH

Andrews, Frederick
 Bergeron, Normand
 Daigle, Robert
 Ferguson, Charles
 Haettenschwiller, Alphonse
 Jasper, Shawn
 Kirby, Thomas
 Martin, Mary Ellen
 Murphy, Robert
 Philbrook, Paula
 Smith, Leonard
 Wheeler, Robert

Arnold, Barbara
 Bowers, Dorothy
 Drabinowicz, A. Theresa
 Foster, Linda
 Hall, Betty
 Jean, Claudette
 Kurk, Neal
 McCann, Bonnie
 Packard, Bonnie
 Plourde, Alphonse
 Soucy, Richard
 White, John

Bagley, Amy
 Cepaitis, Elizabeth
 Durham, Susan
 Gagnon, Eugene
 Holt, David
 Johnson, Lionel
 Laughlin, J. Francis
 Mercer, Robert
 Perkins, Paul
 Reidy, Frank
 Toomey, Kathryn

Bergeron, Lucien
 Clemons, Jane
 Dyer, Merton
 Gosselin, Gerald
 Hunter, Bruce
 Kelley, Robert
 Lown, Elizabeth
 Messier, Irene
 Peters, Stanley
 Searles, Stanley, Sr.
 Weergang, Alida

MERRIMACK

Carter, Susan
 Feuerstein, Martin
 Johnson, Joyce May
 Trombly, Rick

Chandler, Earle
 Fillion, Paul
 Kidder, William
 Willis, Jack

Daneault, Gabriel
 French, Barbara
 Lockwood, Robert
 Yeaton, Charles

Dunn, Miriam
 Hall, Douglas
 Newland, Matthew

ROCKINGHAM

Bove, Martin
 Clark, Vivian
 Drake, Herbert
 Flanders, John, Sr.
 Katsakiores, George
 McGovern, Cynthia
 Richards, David
 Skinner, Patricia
 Vaughn, Charles

Caswell, Albert, Jr.
 Coes, Betsy
 Felch, Charles, Sr.
 Groves, Bonnie
 Katsakiores, Phyllis
 Miller, Don
 Ritzo, Eugene
 Stritch, C. Donald
 Warburton, Calvin

Christie, Andrew, Jr.
 Conroy, Janet
 Fesh, Robert
 Hemenway, Thomas
 Klemarczyk, Thaddeus
 Newman, Rick
 Schanda, Joseph, Sr.
 Syracuse, Anthony
 Woods, Deborah

Clark, Martha
 DiPietro, Carmela
 Flanagan, Natalie
 Johnson, Robert
 Lee, Rebecca
 Pratt, Katharin
 Senter, Merilyn
 Sytek, Donna

STRAFFORD

Brown, George
 Hambrick, Patricia
 McGrath, J. Gregory
 O'Brien, John
 Rogers, Rose Marie
 Torr, Franklin

Brown, Julie
 Hemon, Roland
 Merrill, Amanda
 Pageotte, Donald
 Snyder, Clair
 Vincent, Francis

Callaghan, Frank
 Hilliard, Dana
 Merritt, Deborah
 Pelletier, Arthur
 Sullivan, Henry
 Wasson, Richard

Gilmore, Gary
 McCann, William, Jr.
 Nehring, William
 Pelletier, Marsha
 Torr, Ann

SULLIVAN

Allison, David
 Holl, Ann
 Schotanus, Merle

Burling, Peter
 Kane, Joan
 Stamatakis, Carol

Cloutier, John
 Peyron, Fredrik

Flint, Gordon
 Rodeschin, Beverly

NAYS 116**BELKNAP**

Bartlett, Gordon
 Smith, Linda

Golden, Paul

Johnson, Carl

Lafiam, Robert

CARROLL

Beach, Mildred

Bradley, Jeb

Wiggin, Gordon

CHESHIRE

Burnham, Daniel
 McNamara, Wanda

Delano, Robert
 Young, David

Hunt, John

Manning, Joseph

COOS

None

GRAFTON

Adams, Carl	Brown, Alson	Chase, Paul, Jr.	Driscoll, William
Eaton, Stephanie	Ham, Bonnie	Hill, Richard	Rose, William
Trelfa, Richard			

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Arnold, Thomas, Jr.	Buckley, Raymond
Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert	Daniels, Gary
Desrosiers, William	Dodge, Emma	Domaigne, Jacquelyn	Donovan, Francis
Fenton, James	Greenberg, Gary	Hart, Nick	Holden, Carol
Holley, Sylvia	Lachut, Ervin	Lefebvre, Roland	Lessard, Rudy
Mason, Howard	McCarty, Winston	McRae, Karen	Mittelman, David
Moncrief, Keith	Morrisette, Roland	Nardi, Theodora	Paquette, Rodolphe
Pepino, Leo	Rheault, Lillian	Riley, Frances	Rodgers, G. Philip
Rothhaus, Finlay	Sargent, Maxwell	Smart, John	Tate, Joan
Upton, Barbara	Vanderlosk, Stanley	Wells, Peter, Sr.	Wright, George

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Chandler, John
Houlahan, Thomas	Johnson, C. William	Langer, Ray	Owen, Derek
Regan, Maurice	Teague, Bert		

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Campbell, Marilyn	Chester, Sherman	Cote, Charles
Cote, Patricia	Crossman, Harold, Jr.	Dowd, Sandra	Dube, LeRoy
Flanders, David	Gorman, Donald	Hurst, Sharteene	Johnson, Bill
Kruse, Fred	Lovejoy, Marian	Malcolm, Kenneth	McKinney, Betsy
Moore, Benjamin	Noyes, Richard	Pullman, Robert	Putnam, Ed, II
Raynowska, Bernard	Rosencrantz, James	Rubin, George	Smith, Arthur
Sytek, John	Welch, David	Weyler, Kenneth	Williamson, William
Yennaco, Carol			

STRAFFORD

Chagnon, Ronald	Douglass, Clyde	Dunlap, Patricia	Keans, Sandra
Kincaid, William	Knowles, William	Spear, Barbara	Torr, Ralph

SULLIVAN

Domini, Irene	Lindblade, Eric
---------------	-----------------

and the report was adopted.

Reps. David Cote, Wall and Lozeau notified the Clerk that they wished to be recorded in favor of the Committee report.

HB 630-FN, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. **OUGHT TO PASS**

Rep. Robert G. Holbrook for Appropriations: After considerable discussion, the Appropriations Committee determined the fiscal impact on the general fund was minimal and voted the policy statement out. Vote 16-4.

Rep. Kurk moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Reidy spoke against.

Reps. Richard Hill and Jasper spoke against and yielded to questions.

On a division vote, 224 members having voted in the affirmative and 115 in the negative, the substitute motion was adopted.

Substituted report adopted.

(Speaker Burns in the Chair)

HB 672-FN-A-L, establishing a healthy kids corporation and making an appropriation therefor and continually appropriating a special fund. **OUGHT TO PASS**

Rep. Charles W. Ferguson for Appropriations: This bill addresses children's health care. A non-profit organization will be established to organize and manage health care for children. A pilot project is established by this bill in five areas with \$240,000 in general funds for the biennium ending June 30, 1995. The corporation will sunset July 1, 1997 unless the legislature approves legislation to continue the program. Vote 16-1.

Rep. Gorman moved that the words Inexpedient to Legislative be substituted for the report of the Committee, Ought to Pass, spoke in favor and yielded to questions.

Reps. Ferguson and Douglas Hall spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 119

NAYS 229

**YEAS 119
BELKNAP**

Campbell, Richard, Jr.
Rice, Thomas, Jr.

Johnson, Carl
Turner, Robert

Lafam, Robert

Lawton, David

CARROLL

Beach, Mildred
Mock, Henry

Chandler, Gene
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Delano, Robert

COOS

Coulombe, Henry

Harwell, Tyler

GRAFTON

Dow, David
Rose, William

Driscoll, William

Eaton, Stephanie

Gordon, Edward

HILLSBOROUGH

Andrews, Frederick
Calawa, Leon, Jr.
Daigle, Robert
Drabinowicz, A. Theresa
Holt, David
Johnson, Lionel
Lessard, Rudy
Pepino, Leo
Searles, Stanley, Sr.
Upton, Barbara

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Desrosiers, William
Dykstra, Leona
Hunter, Bruce
L'Heureux, Robert
Moncrief, Keith
Riley, Frances
Smart, John
Weergang, Alida

Bergeron, Lucien
Chabot, Robert
Dodge, Emma
Gosselin, Gerald
Jasper, Shawn
Lachut, Ervin
Morello, Michael
Rodgers, G. Philip
Soucy, Richard
Wright, George

Burke, M. Virginia
Crotty, Edward
Domaingue, Jacquelyn
Greenberg, Gary
Jean, Loren
Laughlin, J. Francis
Morrissette, Roland
Rothhaus, Finlay
Turgeon, Roland

MERRIMACK

Buessing, Marjorie
Langer, Ray
Willis, Jack

Gilbreth, Robert
Regan, Maurice

Kennedy, Richard
Stapleton, Henry

Kidder, William
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Chester, Sherman
Drake, Herbert
Gorman, Donald
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Smith, Arthur
Warburton, Calvin

Arndt, Janet
Clark, Vivian
Dube, LeRoy
Hemenway, Thomas
McKinney, Betsy
Packard, Sherman
Raynowska, Bernard
Stone, Joseph
Welch, David

Beaulieu, Jon
Cote, Charles
Fesh, Robert
Johnson, Bill
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Stritch, C. Donald
Weyler, Kenneth

Bove, Martin
DiPietro, Carmela
Flanders, David
Lovejoy, Marian
Moore, Benjamin
Pullman, Robert
Rubin, George
Sytek, John
Williamson, William

STRAFFORD

Brown, George
Knowles, William
Torr, Ralph

Douglass, Clyde
McKinley, Robert
Vincent, Francis

Hashem, Elaine
Pageotte, Donald
Wasson, Richard

Hilliard, Dana
Torr, Franklin

SULLIVAN

Domini, Irene

Rodeschin, Beverly

**NAYS 229
BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Ziegra, Alice

Cain, Thomas
Rosen, Ralph

Golden, Paul
Salatiello, Thomas

Hauck, William
Smith, Linda

CARROLL

Bradley, Jeb

Cogswell, Richard

Wiggin, Gordon

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Robertson, Timothy

Bonneau, Sarah
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Royce, H. Charles

Burnham, Daniel
Hunt, John
McGuirk, Paul
Richardson, Barbara
Russell, Ronald

Champagne, Richard
Kingsbury, H. Thayer
McNamara, Wanda
Riley, William
Young, David

COOS

Bradley, Paula
Mayhew, Josephine
Wiswell, James

Foss, Frederic
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

Horton, Lynn
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Channing
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Bean, Pamela
Brown, Patricia
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

Below, Clifton
Chase, Paul, Jr.
LaMott, Paul
Scanlan, David
Ward, Kathleen

Brown, Alson
Copenhaver, Marion
Larson, Nils, Jr.
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Cote, David
Drolet, Paul
Ferguson, Charles
Haettenschwiller, Alphonse
Healy, Daniel
Jean, Claudette
Kurk, Neal
Mason, Howard
Mercer, Robert
Murphy, Robert
Perkins, Paul
Record, Alice
Smith, Leonard
Vanderlosk, Stanley

Ahrens, Frederick
Bergeron, Normand
Cowenhoven, Garret
Durham, Susan
Fields, Dennis
Hall, Betty
Holden, Carol
Kelley, Dana
Lefebvre, Roland
McCann, Bonnie
Messier, Irene
Nardi, Theodora
Peters, Stanley
Reidy, Frank
Soucy, Donna
Wells, Peter, Sr.

Amidon, Eleanor
Bowers, Dorothy
Daniels, Gary
Dyer, Merton
Foster, Linda
Hanselman, Gregory
Holley, Sylvia
Kelley, Robert
Lown, Elizabeth
McCarty, Winston
Milligan, Robert
O'Rourke, Joanne
Philbrook, Paula
Rheault, Lillian
Tate, Joan
Wheeler, Robert

Arnold, Barbara
Buckley, Raymond
Donovan, Francis
Fenton, James
Gagnon, Eugene
Hart, Nick
Holt, Mark
Kirby, Thomas
Lozeau, Donnalee
McRae, Karen
Mittelman, David
Packard, Bonnie
Plourde, Alphonse
Sargent, Maxwell
Toomey, Kathryn
White, John

MERRIMACK

Apple, Lowell
Chandler, Earle
Feuerstein, Martin

Barberia, Richard
Chandler, John
Fillion, Paul

Braiterman, Thea
Daneault, Gabriel
French, Barbara

Carter, Susan
Dunn, Miriam
Gross, Caroline

Hall, Douglas
Johnson, Joyce May
Owen, Derek
Weeks, John, Jr.

Hill, Michael
Lockwood, Robert
Pfaff, Terence
Whalley, Michael

Houlahan, Thomas
Newland, Matthew
Teague, Bert
Yeaton, Charles

Johnson, C. William
Nichols, Avis
Trombly, Rick

ROCKINGHAM

Battles, Marjorie
Caswell, Albert, Jr.
Conroy, Janet
Dowling, Patricia
Gage, Beverly
Kane, Cecelia
Klemm, Arthur, Jr.
O'Keefe, Patricia
Schanda, Joseph, Sr.
Syracusa, Anthony
Woods, Deborah

Bell, Juanita
Christie, Andrew, Jr.
Cote, Patricia
Felch, Charles, Sr.
Groves, Bonnie
Katsakiores, George
Lee, Rebecca
Pantelakos, Laura
Senter, Merilyn
Sytek, Donna
Yennaco, Carol

Blake, Daniel
Clark, Martha
Crossman, Harold, Jr.
Flanagan, Natalie
Hurst, Sharleene
Katsakiores, Phyllis
McGovern, Cynthia
Richards, David
Skinner, Patricia
Teminko, Margaret

Campbell, Marilyn
Coes, Betsy
Dowd, Sandra
Flanders, John, Sr.
Johnson, Robert
Klemarczyk, Thaddeus
Newman, Rick
Rosencrantz, James
Splaine, James
Vaughn, Charles

STRAFFORD

Brown, Julie
Giltmore, Gary
Kincaid, William
McGrath, J. Gregory
O'Brien, John
Snyder, Clair
Wall, Janet

Callaghan, Frank
Hambrick, Patricia
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Spear, Barbara
Wheeler, Katherine

Chagnon, Ronald
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Pelletier, Marsha
Sullivan, Henry

Dunlap, Patricia
Keans, Sandra
McCann, William, Jr.
Nehring, William
Rogers, Rose Marie
Torr, Ann

SULLIVAN

Allison, David
Holl, Ann
Schotanus, Merle

Burling, Peter
Kane, Joan
Stamatakis, Carol

Cloutier, John
Lindblade, Eric

Flint, Gordon
Peyron, Fredrik

and the motion lost.

Report adopted and ordered to third reading.

SB 207, relative to work incentives for families receiving Aid to Families with Dependent Children. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: SB 207-FN, "The Working Parents Support Act of 1993," is a work incentive bill for families receiving Aid to Families with Dependent Children. This amendment addresses the growing gap between what it costs to live in New Hampshire and what AFDC pays. It would allow parents on AFDC who want to go to work to keep some of their income while still remaining eligible for Medicaid. Vote 14-0.

Amendment (2009B)

Amend the bill by replacing all after the enacting clause with the following:

- 1 Short Title. This act may be referred to as "The Working Parents Support Act of 1993."
- 2 Findings and Purpose.

I. The general court finds that the New Hampshire program for Aid to Families with Dependent Children (AFDC) currently contains a powerful disincentive to work. Except for some modest, temporary disregards, any income earned under the current program results in a dollar-for-dollar reduction in the AFDC grant. Some families earning less than 50 percent of the standard of need are not eligible for any AFDC payment or Medicaid. This bill seeks to remove the disincentive to work by requiring the director of the division of human services to seek a federal waiver to increase the earned income disregard to \$200 plus 1/2 of the remainder of earnings per month and by removing the time limit on the duration of the disregard.

II. The effect of such a change would be to allow families with modest amounts of earned income to remain eligible for a partial AFDC grant and Medicaid without raising the current

AFDC payment standard. AFDC families attempting to enter the work force at low income jobs will begin to derive a significant economic benefit from their efforts. This is intended to improve the rate at which families are able to make the transition to complete independence by diminishing the gap between the cap for AFDC and Medicaid eligibility for households with earned income and the amount of income it actually takes to provide a family with the basic necessities of living, that is the standard of need.

3 Working Parent Support Program Demonstration Project. The director of the division of human services of the department of health and human services shall request a federal waiver to institute a 5-year statewide demonstration project to replace the current \$30 and 1/3 temporary earned income disregard under the AFDC program with a continuous earned income disregard of \$200 plus 1/2 of the remainder of earnings per month, which shall be applied to AFDC applicants and recipients.

4 Federal Waiver; Rulemaking. The director shall request the federal waiver required in section 3 of this act within 90 days of the effective date of this act and, if such waiver is granted, the director shall adopt rules, under RSA 541-A, implementing the requirements of this act within 120 days of the granting of the waiver.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the director of the division of human services to seek a federal waiver to develop a targeted AFDC work incentive demonstration project that allows families attempting to enter the workforce who have modest amounts of earned income to remain eligible for Medicaid and a partial AFDC grant.

Adopted.

Report adopted and referred to Appropriations.

SB 51, relative to the authority of land surveyors to enter upon land. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin J. DePecol for Judiciary: The committee feels that, while being sympathetic to the concerns of surveyors, the rights of the landowner are paramount. This bill would set a precedent by allowing surveyors to go on land without permission. The surveyors already have a remedy through the judicial system. Vote 10-4.

Adopted.

SB 235-FN-L, relative to involuntary emergency admissions. **RE-REFER TO COMMITTEE**

Rep. Rick G. Newman for Judiciary: This bill raises some constitutional questions regarding Article 28-A. The committee will look at the question expediting procedures for hospitalizing persons who need assistance. Vote 10-4.

Rep. Salatiello moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, spoke in favor and yielded to questions.

Rep. Newman spoke against and yielded to questions.

Rep. Senter spoke in favor.

Reps. Hart and Gordon spoke against.

Rep. Manning spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 97

NAYS 248

**YEAS 97
BELKNAP**

Bartlett, Gordon
Smith, Linda

Lawton, David
Ziegler, Alice

Rosen, Ralph

Salatiello, Thomas

CARROLL

Beach, Mildred

Wiggin, Allen

CHESHIRE

Burnham, Daniel
Pearson, Gertrude

Hunt, John
Robertson, Timothy

Manning, Joseph
Royce, H. Charles

Metzger, Katherine

COOS

None

GRAFTONBrown, Alison
Teschner, DouglassChase, Paul, Jr.
Treffa, Richard

Ham, Bonnie

Larson, Nils, Jr.

HILLSBOROUGHAmidon, Eleanor
Donovan, Francis
Hall, Betty
Kelley, Dana
Morello, Michael
Sargent, MaxwellAndrews, Frederick
Drolet, Paul
Holden, Carol
Kirby, Thomas
Nardi, Theodora
Searles, Stanley, Sr.Burke, M. Virginia
Ferguson, Charles
Holley, Sylvia
McCann, Bonnie
Philbrook, Paula
Smith, LeonardCepaitis, Elizabeth
Fields, Dennis
Jasper, Shawn
McCarty, Winston
Riley, Frances
White, John**MERRIMACK**Apple, Lowell
Feuerstein, Martin
Kennedy, Richard
Stapleton, HenryBraiterman, Thea
Fillion, Paul
Lockwood, Robert
Weeks, John, Jr.Daneault, Gabriel
French, Barbara
Newland, Matthew
Yeaton, CharlesDunn, Miriam
Houlahan, Thomas
Regan, Maurice**ROCKINGHAM**Bell, Juanita
Conroy, Janet
Hurst, Sharleene
Malcolm, Kenneth
Pratt, Katharin
Sytek, JohnChristie, Andrew, Jr.
Cote, Charles
Kane, Cecelia
Miller, Don
Raynowska, Bernard
Weyler, KennethClark, Martha
Cote, Patricia
Katsakiores, George
Noyes, Richard
Senter, MerilynClark, Vivian
Dowd, Sandra
Kruse, Fred
O'Keefe, Patricia
Sytek, Donna**STRAFFORD**Callaghan, Frank
Hilliard, Dana
O'Brien, JohnDouglass, Clyde
Loder, Suzanne
Rogers, Rose MarieGilmore, Gary
Musler, George
Torr, AnnHashem, Elaine
Nehring, William
Wheeler, Katherine**SULLIVAN**

Behrens, Thomas

Domini, Irene

Kane, Joan

NAYS 248**BELKNAP**Cain, Thomas
Holbrook, Robert
Turner, RobertCampbell, Richard, Jr.
Johnson, CarlGolden, Paul
Lafam, RobertHauck, William
Rice, Thomas, Jr.**CARROLL**Bradley, Jeb
Lyman, L. Randy
Wiggin, GordonChandler, Gene
Mock, HenryCogswell, Richard
Philbrick, DonaldDickinson, Howard, Jr.
Saunders, Howard**CHESHIRE**Avery, Stephen
Delano, Robert
McGuirk, Paul
Russell, RonaldBonneau, Sarah
Foster, Katherine
McNamara, Wanda
Young, DavidChampagne, Richard
Kingsbury, H. Thayer
Richardson, BarbaraDePecol, Benjamin
Lynch, Margaret
Riley, William**COOS**Bradley, Paula
Hawkinson, Marie
Merrill, GeraldCoulombe, Henry
Horton, Lynn
Pratt, LeightonFoss, Frederic
Mayhew, Josephine
Wiswell, JamesHarwell, Tyler
Mears, Edgar

GRAFTON

Adams, Carl
Copenhaver, Marion
Gordon, Edward
Nordgren, Sharon
Ward, Kathleen

Bean, Pamela
Dow, David
Guest, Robert
Rose, William

Below, Clifton
Driscoll, William
Hill, Richard
Scanlan, David

Brown, Patricia
Eaton, Stephanie
McIlwaine, Deborah
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Bagley, Amy
Buckley, Raymond
Cowenhoven, Garret
Desrosiers, William
Durham, Susan
Foster, Linda
Haettenschwiler, Alphonse
Holt, David
Jean, Loren
Lachut, Ervin
Lown, Elizabeth
McRae, Karen
Mittelman, David
Packard, Bonnie
Peters, Stanley
Rodgers, G. Philip
Soucy, Richard
Upton, Barbara
Wheeler, Robert

Ahrens, Frederick
Bergeron, Lucien
Calawa, Leon, Jr.
Crotty, Edward
Dodge, Emma
Dyer, Merton
Gagnon, Eugene
Hanselman, Gregory
Holt, Mark
Johnson, Lionel
Laughlin, J. Francis
Lozeau, Donnalee
Mercer, Robert
Moncrief, Keith
Paquette, Rodolphe
Plourde, Alphonse
Rothhaus, Finlay
Tate, Joan
Vanderlosk, Stanley

Arnold, Barbara
Bergeron, Normand
Chabot, Robert
Daigle, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Gosselin, Gerald
Hart, Nick
Hunter, Bruce
Kelley, Robert
Lefebvre, Roland
Martin, Mary Ellen
Messier, Irene
Morrissette, Roland
Pepino, Leo
Reidy, Frank
Smart, John
Toomey, Kathryn
Weergang, Alida

Arnold, Thomas, Jr.
Bowers, Dorothy
Cote, David
Daniels, Gary
Drabinowicz, A. Theresa
Fenton, James
Greenberg, Gary
Healy, Daniel
Jean, Claudette
L'Heureux, Robert
Lessard, Rudy
Mason, Howard
Milligan, Robert
Murphy, Robert
Perkins, Paul
Rheault, Lillian
Soucy, Donna
Turgeon, Roland
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Chandler, John
Hill, Michael
Nichols, Avis
Soldati, Jennifer
Whittemore, James

Buessing, Marjorie
Gilbreth, Robert
Johnson, C. William
Owen, Derek
Teague, Bert
Willis, Jack

Carter, Susan
Gross, Caroline
Kidder, William
Pfaff, Terence
Trombly, Rick

Chandler, Earle
Hall, Douglas
Langer, Ray
Rogers, Katherine
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Chester, Sherman
Dowling, Patricia
Fesh, Robert
Gage, Beverly
Johnson, Robert
Lovejoy, Marian
Packard, Sherman
Richards, David
Schanda, Joseph, Sr.
Stone, Joseph
Vaughn, Charles
Woods, Deborah

Arndt, Janet
Bove, Martin
Coes, Betsy
Drake, Herbert
Flanagan, Natalie
Gorman, Donald
Katsakiores, Phyllis
McGovern, Cynthia
Pantelakos, Laura
Riizo, Eugene
Skinner, Patricia
Stitch, C. Donald
Warburton, Calvin
Yennaco, Carol

Battles, Marjorie
Campbell, Marilyn
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Groves, Bonnie
Klemarczyk, Thaddeus
McKinney, Betsy
Pullman, Robert
Rosencrantz, James
Smith, Arthur
Syracusa, Anthony
Welch, David

Beaulieu, Jon
Caswell, Albert, Jr.
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Hemenway, Thomas
Lee, Rebecca
Newman, Rick
Putnam, Ed, II
Rubin, George
Splaine, James
Terninko, Margaret
Williamson, William

STRAFFORD

Brown, George
Hambrick, Patricia
Knowles, William

Brown, Julie
Hemon, Roland
Lundborn, Raymond

Chagnon, Ronald
Keans, Sandra
McCann, William, Jr.

Dunlap, Patricia
Kincaid, William
McGrath, J. Gregory

McKinley, Robert
Pelletier, Arthur
Sullivan, Henry
Wasson, Richard

Merrill, Amanda
Pelletier, Marsha
Torr, Ralph

Merritt, Deborah
Snyder, Clair
Vincent, Francis

Pageotte, Donald
Spear, Barbara
Wall, Janet

SULLIVAN

Allison, David
Holl, Ann
Schotanus, Merle

Burling, Peter
Lindblade, Eric
Stamatakis, Carol

Cloutier, John
Peyron, Fredrik

Flint, Gordon
Rodeschin, Beverly

and the motion lost.
Report adopted.

SB 75, allowing a property tax exemption for solar-powered electricity. **OUGHT TO PASS**
Rep. Elizabeth A. Cepaitis for Municipal and County Government: This is enabling legislation which allows municipalities to adopt the same property tax exemption for solar-powered electricity as is currently available for solar heating and cooling systems. Vote 14-2.

Adopted and ordered to third reading.

HB 691-FN-A, relative to gaming revenues and establishing a committee to study the marketing of state lotteries and attitudes concerning the expansion and regulation of gambling in the state and making an appropriation therefor. **RE-REFER TO COMMITTEE**

Rep. Stephen G. Avery for Regulated Revenues: On a 15-1 vote the Regulated Revenues Committee voted for re-refer action on HB 691. The bill was complicated and far-ranging into such aspects as the pari-mutuel commission, sweepstakes commission, and the study of gambling and public attitudes toward any expansion. The committee felt that the bill needed a complete overhaul and streamlining so the committee desired to retain this bill as a vehicle to utilize if it should become, in the future, needed to further address the question of wagers in New Hampshire. Vote 15 - 1.

Adopted.

HB 433-FN-L, providing a cost of living adjustment for group I and group II retirement system members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stacey W. Cole for Appropriations: This bill permits a sliding scale calculation of from one to five percent annually in increments of no less than one-half of one percent and shall be based upon the change in the Consumer Price Index. No allowance (COLA) shall be granted if it would reduce the respective component of the special account to an amount less than zero. Vote 18-0.

Amendment (2036B)

Amend the bill by replacing all after the enacting clause with the following:

1 Granting Supplemental Allowances. RSA 100-A:41-a is repealed and reenacted to read as follows:

100-A:41-a Supplemental Allowances.

I. On July 1, 1994, and on every July 1 thereafter, any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 24 months, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive supplemental allowances, also known as cost of living adjustments or COLA's. The amount of such supplemental allowances shall be limited to from one percent to 5 percent, with increments of no less than 1/2 of one percent.

II. On February 1 of each year, beginning in 1995, the fiscal committee of the general court may approve COLA's upon certification from the actuary of the amount of the COLA which may be granted to each member classification based on the funds available in the special account for each member classification. The actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court

shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13 or similar provisions of predecessor systems.

III.(a) The granting of any such supplemental allowance, or of any increase in supplemental allowances, shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the special account established under RSA 100-A:16, II(h).

(b) No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the respective component of the special account to an amount less than zero.

2 Application. The first cost of living adjustment, if approved by the fiscal committee of the general court and granted under section 1 of this act, shall be effective retroactively on July 1, 1994, for New Hampshire retirement system members retired on or before June 30, 1992.

3 Effective Date. This act shall take effect June 30, 1994.

AMENDED ANALYSIS

This bill changes the way supplemental allowances are determined and granted for each member classification of the New Hampshire retirement system. The amount of a supplemental allowance shall be limited to from one to 5 percent annually, with increments of no less than 1/2 of one percent. The supplemental allowance is granted by the fiscal committee of the general court.

The bill also provides that no supplemental allowance shall be granted or increased if that would reduce the funds in the member component of the special account which is used to fund the supplemental allowance to an amount less than zero.

Adopted.

Rep. Kathleen Ward spoke in favor.

Report adopted and ordered to third reading.

SB 42, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work. **OUGHT TO PASS** Rep. Alphonse Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: This bill expands the membership of the statewide trauma care system study group to include a variety of individuals representing groups that have a direct interest in the study. It also extends the reporting date until November 1, 1993. Vote 13-0.

Rep. Warburton moved Recommit to Committee.

Rep. Copenhaver spoke in favor.

Adopted.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 55, relative to accident and health insurance and health maintenance organizations, was removed at the request of Rep. Rothhaus.

SCR 1, in support of an intercity passenger rail system, was removed at the request of Rep. Rose.

Consent Calendar adopted.

SB 56, relative to coverage for intra-family or inter-spousal claims under liability insurance policies. **OUGHT TO PASS**

Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs: This bill prohibits liability policies from containing exclusion, which would preclude coverage for intra-family or inter-spousal claims. This bill was a request of the Insurance Department. Vote 11-0.

SB 98, relative to fees charged for processing and approval of residential mortgage loan applications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: SB 98 empowers the bank commissioner to institute action against any lender who seeks to retain monies above and beyond actual costs in the processing of a mortgage when said mortgage is denied. The bill is in large measure preventive as only one case of this type of abuse was presented to the committee. Vote 11-0.

Amendment (2252B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Residential Mortgage Loan Application Fees. Amend RSA 384 by inserting after section 16-e the following new section:

384:16-f Residential Mortgage Loan Application Fee.

I. This section shall apply only in the event that the bank commissioner has made a determination that a lender has employed procedures in the processing of a residential mortgage loan which are detrimental to the best interests of the applicant

II. Any bank or any company which is in the business of or customarily makes loans for the purpose of financing the acquisition of real property as defined in RSA 397-A:1, XI, and which accepts a fee with a residential mortgage loan application for the purpose of processing and approving such application, shall determine if the applicant processes sufficient income, credit and employment to meet underwriting guidelines existing at the time such application is made, to qualify for the loan amount requested in the application.

III. If the bank, person or entity determines that a residential mortgage loan applicant does not possess sufficient income, credit and employment to qualify for the requested loan amount under existing underwriting guidelines, it shall then obtain written authorization of the applicant prior to expending any additional amount of the applicant's funds for further third party services. Before obtaining such authorization it shall provide the applicant with a written disclosure describing the circumstances and procedures under which a refund of any or all fees of the applicant may be obtained.

IV. If an application is disqualified or rejected before all services necessary for processing or approving such application have been performed, the bank or company shall, within 30 days of the disqualification or rejection of the application, return to the applicant the unexpended portion of such fee.

2 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill applies only when the bank commissioner has made a determination that procedures employed by a lender in the processing of a residential mortgage loan application are detrimental to the applicant's best interests.

This bill requires lenders to assess the income, credit and employment qualifications of an applicant for a mortgage loan. If the lender determines that the applicant does not possess sufficient income, credit and employment to qualify for the mortgage loan under existing underwriting guidelines, the lender must obtain the applicant's written authorization prior to expending any additional amount of the applicant's funds. The bank shall also provide the applicant with a written disclosure of its refund policies with regard to the applicant's fees.

This bill requires lenders to refund to the applicant the portion of any fee charged for processing the application not used by the lender to perform a service if the applicant is rejected for the loan.

SB 108, relative to uninsured and underinsured motorist coverage. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Wells, Sr. for Commerce, Small Business and Consumer Affairs: SB 108 would have complicated the insuring of automobiles and increased additional liability coverage and subsequent cost increases to the consumer by allowing "stacking" of uninsured and underinsured benefits on auto policies. Stacking is a term that means the sum of all uninsured motorists on a policy. With stacking, judicial interpretation by the courts is a major and costly problem. Vote 13-0.

SB 217-FN, clarifying the laws relative to guardianship and expanding a guardian's powers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rick G. Newman for Judiciary: This bill establishes procedures for expedited hearings for guardianship. The bill requires a guardian to comply with the terms of a living will or durable power of attorney for health care if such documents exist. The amendment provides for prior court approval regarding issues of the ward receiving medical treatment or the withholding of medical treatment. Vote 15-1.

Amendment (2206B)

Amend RSA 464-A:3 as inserted by section 2 of the bill by replacing it with the following:

464-A:3 Venue. The venue for guardianship proceedings for a proposed ward is in the county in which the proposed ward resides. If the proposed ward does not reside in the state, the venue is in [the] *that county of New Hampshire* in which *the proposed ward or* property of the proposed ward is located. If the proposed ward is admitted to an institution pursuant to order of a court of competent jurisdiction, or is a resident of an institution for a period of at least [2 years] *one year*, venue is also in the county in which that institution is located. Nothing in this provision shall preclude transfer of venue upon good cause shown.

Amend RSA 464-A:25, I(c) as inserted by section 8 of the bill by replacing it with the following:

(c) A guardian of the person may give any necessary consent or approval to enable the ward to receive medical or other professional care, counsel, treatment, or service or may withhold consent for a specific treatment, provided that the court has previously authorized the guardian to have this authority, which authority shall be reviewed by the court every 5 years. No guardian may give consent for psychosurgery, electro-convulsive therapy, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the probate court.

SB 13, extending the reporting date of the committee studying the effects of substance abuse on health care and economic costs to the state. OUGHT TO PASS

Rep. Josephine Mayhew for Legislative Administration: The Committee voted to extend the reporting date of the committee established by 1992, Chapter 205 to study the effects of substance abuse on health care and economic costs to the state. The extended date is November 1, 1993. Vote 13-0.

SB 64, extending the reporting date of the committee to study head injury cases. OUGHT TO PASS

Rep. Eleanor H. Amidon for Legislative Administration: The quantity of material being gathered and thereby to be assimilated and then organized for the final report, makes it imperative the reporting date be extended to November 1, 1993. Vote 13-0.

SB 131, extending the reporting date for the committee studying gender equity in sports. OUGHT TO PASS

Rep. Cynthia A. McGovern for Legislative Administration: This bill is part of a series of Senate bills extending the reporting deadline for certain study committees. The subject of this bill is also included in a House bill which passed in this body and is currently in the Senate. Vote 13-0.

SB 122, entitling Persian Gulf War veterans to the standard \$50 veterans' tax credit. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Municipal and County Government: This bill entitles all Persian Gulf War veterans who received an armed forces expeditionary medal or a theater of operations service medal to receive the standard \$50 veterans' tax credit. This bill also addresses any other war or armed conflict that may occur in the future and allows the tax credit to anyone receiving the same medals. Vote 14-1.

Amendment (2255B)

Amend the title of the bill by replacing it with the following:

AN ACT

entitling certain veterans to the standard \$50 veterans' tax credit.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Qualifying Conflicts. Amend RSA 72:28, IV(g) and (h) to read as follows:

(g) "Viet Nam Conflict" between December 22, 1961 and May 7, 1975; [and]

(h) "Viet Nam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Viet Nam service medal or the armed forces expeditionary medal[.], *and*

(i) *Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.*

AMENDED ANALYSIS

This bill entitles residents who earned an armed forces expeditionary medal or theater of operations service medal in any war or armed conflict that has occurred since May 8, 1975, to the standard \$50 veterans' tax credit. Currently such veterans are eligible only for the optional veterans' tax credit, if it has been adopted in the municipality in which they reside.

SB 183-FN-L, requiring the tax collector to notify certain mortgagees prior to execution of a tax deed. RE-REFER TO COMMITTEE

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: After an extended discussion, the Committee felt that this bill has merit, but will need to be clarified to satisfy the needs of all parties involved. The Committee hopes to have proper time to accomplish this through referral. Vote 17-0.

HB 694, regulating noise from motor vehicle racetracks. INEXPEDIENT TO LEGISLATE

Rep. John W. Flanders, Sr. for Public Protection and Veterans Affairs: The public hearing was a two-hour-long opportunity to hear the proponents and opponents. All testimony was directed at the auto racing facility in Epping. The committee felt that a local problem exists, and a local solution should be provided. The committee recommends ITL. Vote 16-0.

SB 82, returning certain state-owned land to the town of Belmont. INEXPEDIENT TO LEGISLATE

Rep. Gene G. Chandler for Public Works: Senate Bill 82, if enacted, would return land acquired by the State to the Town of Belmont, and the Committee on Public Works unanimously felt that proper process was not followed, and the situation should more properly come before the Council on Resources and Development (CORD) as established in Revised Statutes Annotated 4:40, and then before the Long Range Capital Planning Committee. Also, studies are still ongoing regarding a transportation corridor in this area and these should be completed before land is given up to the Town of Belmont. The committee is concerned with certain property tax ramifications presented at the hearing and will work toward addressing these concerns. Vote 18-0.

SB 97, establishing a committee to study parking at Hampton beach state park. INEXPEDIENT TO LEGISLATE

Rep. John P. Chandler for Public Works: The committee felt this bill is not necessary. Historically, the Department of Resources and Economic Development has contributed to and participated in parking studies undertaken by Hampton and intends to in the future, if asked. The question of rates at Hampton Beach established or negotiated by DRED is complex, and the committee intends to work with DRED in the coming months to examine the present policy. Vote 16-2.

SB 190-FN, naming the Route 25 rest area in the town of Rumney as the Nathan Clifford Memorial Rest Area. OUGHT TO PASS

Rep. Sandra B. Keans for Public Works: This bill names a rest area in Rumney after the late Nathan Clifford, a former United States Supreme Court Justice. However, in the future the committee recommends going through this process administratively and saving the cost of the legislative process. Vote 17-1.

SB 11, allowing 15-year old persons to bus tables in dining rooms. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This is a housekeeping bill that would allow 15-year-olds to bus tables and work in dining areas of restaurants that have liquor licenses. They would not be allowed in lounge areas. The bill was recommended by the liquor commission to correct an error in RSA 179:23. Vote 15-0.

Amendment (2140B)

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect upon its passage.

SB 129, relative to the overnight use of vessels and prohibiting the discharge of sewage into certain waters. RE-REFER TO COMMITTEE

Rep. Howard C. Dickinson for Resources, Recreation and Development: SB 129 as written would prohibit the following: all horned pout fishing, boaters from anchoring to watch fireworks displays and Representative Merritt from anchoring her canoe and watching shooting stars in August. Members of the House Transportation and the House Wildlife and Marine Resources Committee will be asked to join RR&D in our efforts to determine the real intent of this bill. In the meantime, the waters of the State are presently protected from pollution by RSA 270-A and 485:19. Both the sponsors and the Department of Environmental Services agree that SB 129 should be re-referred. Vote 13-0.

SB 186-FN, requiring the division of water supply and pollution control to set standards of design and construction for unconventional waste treatment systems. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas J. Kirby for Resources, Recreation and Development: SB 186-FN, as amended, enhances the pollution abatement program of the division of water supply and pollution control by defining and establishing policy for innovative/alternative waste treatment and sewage disposal systems and requiring guidelines and, as appropriate, standards be adopted for such systems. The division is authorized to adopt such rules as are needed to establish a methodology and review process for innovative/alternative systems. Vote 14-0.

Amendment (2216B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the division of water supply and pollution control
to set standards of design and construction for innovative
or alternative waste treatment systems.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 485-A:2 by inserting after paragraph XIX the following new paragraph:

XX. "Innovative/alternative waste treatment" means treatment which differs from standardized and conventional practice, offers an advantage over such practice in a proposed application and satisfies the pollution abatement and treatment requirements for sewerage and sewage or waste treatment systems in such application.

2 New Paragraph; Policy Objective. Amend RSA 485-A:3 by inserting after paragraph IV the following new paragraph:

V. A further objective will be to advance the development and application of innovative/alternative waste treatment systems with guidelines, procedures, pilot projects, demonstration projects, community projects or in any other manner the division may elect.

3 Innovative/Alternative Waste Treatment System Standards and Design Guidelines; Reference Added. Amend RSA 485-A:4, IX to read as follows:

IX. To set standards of design and construction for sewerage and sewage or waste treatment systems *and standards or design guidelines as the division determines to be appropriate for innovative/alternative waste treatment systems. Innovative/alternative waste treatment systems shall include solar and such other systems as shall be identified or accepted by the division.* To reject, if necessary, or modify and approve as deemed necessary for the purposes of the state water pollution control program all engineering or other documents associated with the design and construction of pollution control projects and perform such other related engineering or inspectional work as will provide for proper design, construction and operation of the facilities involved, and take such other action as the division deems necessary, to maximize the effectiveness of sewerage and other pollution control facilities, both proposed and in construction. The division is authorized to purchase professional liability insurance annually in order to provide

coverage in connection with resident construction engineering services which may be made available to municipalities by the division for projects undertaken with benefit of a federal grant under the provisions of this chapter; provided, however, that no construction engineering services shall be provided to any municipality with a population of greater than 5,000 according to the [1985] office of state planning [estimates, nor] *estimate for that even decade year preceding project application to the division* or when the estimated project costs exceed \$2,000,000. The purpose of this paragraph is to ensure the planning, construction and operation of publicly owned pollution control facilities which in the judgment of the division will produce maximum benefits with the least expenditure of federal, state and local funds.

4 Innovative/Alternative Wastewater Treatment Systems; Rulemaking Added. Amend RSA 485-A:6, III to read as follows:

III. Requirements under RSA 485-A:4, IX *and establishing the methodology and review process for approval of innovative/alternative wastewater treatment systems.*

5 Reference Added. Amend RSA 485-A:29, I to read as follows:

I. Any person proposing either to subdivide land or to construct a sewage or waste disposal system shall submit 2 copies of locally approved plans for any such subdivision of land and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the division as provided in this paragraph. The division shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, what tests are to be required, what standards, *guidelines*, procedures and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. *The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance and financial responsibility for such operations.* For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the division. All inspections by the division shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the division and the requirements of this subdivision.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the division of water supply and pollution control to set standards of design and construction for innovative/alternative waste treatment systems.

This bill also authorizes the division to adopt rules establishing the methodology and review process required for approval of innovative/alternative wastewater treatment systems.

SB 80, restricting the use of motorized craft on Goose Pond in Keene and Turee Pond in Bow. OUGHT TO PASS

Rep. Timothy N. Robertson for Transportation: This bill limits horse power of craft on Turee Pond and eliminates all power craft on Goose Pond. Vote 15-0.

REGULAR CALENDAR

HB 173-FN, making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent policeman" to include "state corrections

officers" for purposes of the retirement system and increasing the amount paid to members of the adult parole board and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Appropriations: The Committee felt that making the police standards and training council responsible for training and certification of corrections officers, enlarging the council to include corrections representation, increasing the fee for probationers to help cover the costs of training and adjusting creditable service to allow medical benefits for certain group II retirement system members was the most effective way of dealing with these several related issues. Vote 21-0.

Amendment (2280B)

Amend the title of the bill by replacing it with the following:

AN ACT

making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent policeman" to include "state corrections officers" for the purposes of the retirement system and relative to the payment of medical benefits to certain group II retirement system members.

Amend the bill by replacing all after section 8 with the following:

9 Fees for Supervision of Prisoners. Amend RSA 504-A:13 to read as follows:

504-A:13 Supervision and Service Charges. The court shall establish a supervision fee for probationers, and the parole board shall establish a supervision fee for parolees. The fee shall not be less than [\$10] **\$15** a month, unless waived *in whole or in part* by the court or board, and may be any greater amount as established by the court or board. The board shall adopt rules under RSA 541-A relative to a fee schedule. This fee shall be considered a condition of release, and failure to satisfy this obligation shall be grounds for a violation hearing, unless the probationer or parolee has been found to be indigent and, for that reason, unable to pay the fee. Service charges for collection of fees, fines, and restitution shall be established at 10 percent of the funds collected. ***Five dollars of each monthly supervision fee collected under this section shall be deposited in the police standards and training council training fund established under RSA 188-F:30 to assist the police standards and training council in defraying the expenses of providing training to employees of the department of corrections, and the remainder shall be deposited in the general fund.***

10 New Paragraph; Medical Benefits for Additional Group II Members. Amend RSA 100-A:52, I by inserting after subparagraph (e) the following new subparagraph:

(f) Any person who, prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, is eligible for vested deferred retirement benefits.

11 Method of Financing Medical Benefits for Group II Members. Amend RSA 100-A:53, II to read as follows:

II. The special account established in RSA 100-A:16, II(h), for group II members, shall be augmented as of July 1, 1988 by \$23,700,000 resulting from a one-time write-up of the valuation assets as of June 30, 1987. At the end of each fiscal year beginning with the year ending June 30, 1989, the state annuity accumulation fund of the New Hampshire retirement system shall be reimbursed from the special account established in RSA 100-A:16, II(h) for the amount of funds allocated to the 401(h) subtrust for that year, and such reimbursement shall continue until the benefits provided through the subtrust are fully funded or until *the* total accumulated reimbursement equals *the sum of (i) the initial special account amount as of June 30, 1988, of \$52,800,000, (ii) the additional special account amount as of June 30, 1993, which shall be determined by the actuary as an amount which shall be sufficient to provide benefits under RSA 100-A:52 for persons who meet the requirements of RSA 100-A:52, I(f), and (iii) [plus] future accumulated interest per year on the balance of the reimbursement funds remaining in the special account.*

12 Medical Benefits Extended. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988, *and to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits.* Such additional benefits shall not apply to *other* persons who become members of group II after June 30, 1988, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

13 Police Standards and Training Council; Appointments. Upon expiration of the terms of office of the 8 appointed members of the police standards and training council who are not state officials and who hold office on the effective date of this section, the first such replacements shall be appointed so as to stagger subsequent terms of office. One town police chief shall be appointed for one year and one for 2 years; one city police chief shall be appointed for one year and one for 2 years; one county sheriff shall be appointed for one year and one for 2 years; and one judge shall be appointed for one year and one for 2 years. Subsequent terms shall expire 2 years from the date of appointment.

14 Effective Date.

I. Sections 10, 11 and 12 of this act shall take effect June 30, 1993.

II. The remainder of this act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill:

(1) Makes the police standards and training council responsible for training and certification of corrections officers.

(2) Increases the membership of the police standards and training council and authorizes the council to establish a corrections advisory committee.

(3) Increases the supervision fee for probationers and requires that a portion of the fee be deposited in the police standards and training council fund.

(4) Modifies the term "permanent policeman" to include "state corrections officers" for purposes of the New Hampshire retirement system.

(5) Provides that the New Hampshire retirement system shall pay the cost of medical benefits for any person who, prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, is eligible for vested deferred retirement benefits.

Adopted.

Report adopted and ordered to third reading.

HB 437-FN, requiring parents involved with child custody or support issues to participate in certain seminars. OUGHT TO PASS WITH AMENDMENT

Rep. Stacey W. Cole for Appropriations: This bill establishes a pilot program that will require divorcing parents who have child custody or child support issues to attend court-authorized seminars. The purpose of the bill is to help parents to lessen the traumatic impact on the children. It is expected that costs involved with ad-litem will be reduced. An additional fee will be required on the petitioner to pay for the program. Vote 18-1.

Amendment (2185B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a pilot program in one county designated by the court requiring parents involved with child custody or support issues to participate in certain seminars and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to establish a 2-year pilot program which would provide a 4-hour mandatory session for married or unmarried parents of minor children who are involved

in custody and other issues which involve the children so that the adverse impact on the children of the litigation process and family's separation will be minimized.

2 Seminar Required; Court Referral. In the event of any action before the superior court in the county designated for this pilot seminar program, where the parties are parents of minor children and are involved with child custody and support issues, and upon the establishment of the program described in this act, the clerk of court shall, no later than the defendant's or respondent's filing of an appearance, require the parties to attend a 4-hour information session. This session shall be a seminar on how to help the children deal with the issues surrounding divorce, separation, and custody.

3 Seminar.

I. The seminar shall consist of the following:

(a) The seminar shall be conducted by a certified family therapist or other persons certified by the superior court, to inform the parents of the best way to address problems which the children will face as the result of the divorce or separation. Presenters shall be a male and a female.

(b) Up to 1/2 hour of the session may be a segment on divorce options such as arbitration, mediation, and litigation.

II. The session shall be tailored to those issues concerning the children which may be of particular concern during the divorce or separation process including, but not limited to:

(a) Understanding the process of divorce or separation: interaction between parent and child, areas of adjustment, and areas of concern.

(b) Understanding how children react to the divorce or separation, how to spot problems, what to tell them about divorce or separation, how to keep communication open, and answering questions and concerns they may have about the process.

(c) How parents can help their children during the divorce or separation: specific strategies, ideas, tools, and resources for assistance.

(d) How parents can help children after the divorce or separation: new family structures, and how to deal with different sets of rules.

(e) Making clear the acknowledgment that the general goal of communication and cooperation between parents may be inappropriate, particularly in cases of domestic violence.

4 Seminar Schedule. The court shall encourage the presenters to schedule courses so that the seminar is available twice monthly in the designated county. One parent need not attend the same session as the other parent. In the case of domestic violence, parents shall attend separate sessions. The seminar shall be completed within 45 days of service of the original complaint upon the original defendant.

5 Disciplinary Action. Upon a party's failure to complete the seminar pursuant to this act, the assigned judge may take appropriate action including, but not limited to, actions for contempt.

6 Attendance.

I. An alphabetical list of all parties eligible for the seminar shall be provided to the presenters prior to each seminar. The list may be utilized by the presenters and the court. As parties report to the seminar selected by them, they will provide to the presenters identification, and they will be recorded as present.

II. Each person completing the seminar will be given a certificate of attendance to present to the judge at the time of that person's court appearance.

7 Costs.

I. Persons attending the seminar shall pay a seminar fee to the presenter. Fees charged by the presenter shall be fair and reasonable as directed by the chief justice of the superior court.

II. Presenters shall accept some individuals at reduced or no cost and, upon request of the court, must produce evidence of having done so.

III. On the commencement of any custody or support proceeding for which a fee is required, the court shall charge and collect an additional fee of \$6 from the petitioner. These fees shall be in addition to any other fee required by law. These fees shall be deposited into the general fund.

8 Waiver. In order to be exempted from attending a seminar, parties may fill out an exception affidavit in which they would indicate that they meet one of the exceptions below. The affidavit

may be obtained from the clerk of court and may be submitted at any time. Attendance at the seminar shall be waived under the following circumstances:

I. A party is incarcerated.

II. A party has previously attended the seminar.

III. The office of child support enforcement services has brought an action to enforce or modify an existing order.

IV. The court finds good cause to grant a waiver on any basis it deems appropriate, including domestic violence or indigency. Time extensions may be granted.

9 Rulemaking.

I. The chief justice of the superior court, subject to approval by the supreme court, shall designate the county for the pilot program and may establish such rules and orders of practice as are appropriate to effectuate this act and administer this program including, but not limited to:

(a) Working with the presenters to implement the pilot program to test operation, curriculum, and format.

(b) Certifying public or nonprofit providers to lead the seminar.

(c) The form and content of presentation.

(d) Any additional factors deemed necessary.

II. The chief justice shall utilize such in-state services as the U.N.H. Cooperative Extension Service, child and family services, and other agencies or individuals necessary to effectuate the program.

10 Report. The chief justice shall submit a report on or before January 15, 1995, detailing his findings and any recommendations for continuation or expansion of the pilot program, to the speaker of the house, the senate president, and the governor.

11 Appropriation. The sum of \$140,000 for the biennium ending June 30, 1995, is hereby appropriated to the superior court for the purpose of administering the seminars established in sections 2-9 of this act. The funds in this appropriation shall not be transferred or expended for any other purposes. The governor is authorized to draw his warrant for said sum out of any money not otherwise appropriated.

12 Effective Date.

I. Sections 1 and 9 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill authorizes the superior court to establish a 2-year pilot seminar program in one county designated by the court for parents involved with child custody or support issues. It also requires those couples to attend the seminar unless they meet one of the exceptions listed.

An appropriation is made for the biennium for program administration.

Adopted.

Report adopted and ordered to third reading.

HB 442-FN, creating the New Hampshire trade port commission. RE-REFER TO COMMITTEE

Rep. Merle W. Schotanus for Appropriations: There appears to be general agreement that merging the Pease Development Authority and the NH Port Authority to create the NH Trade Port Commission would be of great benefit to the economic development of the state. Nonetheless, timing and methodology of the proposed merger raises many questions. Questions regarding fiscal accountability, funding sources, legislative oversight, trade commission organization, leadership, required statutory changes and many other issues arise when considering the implementation of this major undertaking. Soon the governor will appoint a new leadership team of the Pease Development Authority. Re-referring this bill will give the new PDA leaders, working with the Port Authority director, sufficient time to answer these questions and provide the General Court with a viable implementation plan for this major economic development initiative. Vote 19-0.

Adopted.

HB 674-FN, establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Appropriations: The Environment and Agriculture Committee (vote 16-1) and Appropriations Committee (vote 17-3) collaborated on the amendment. The amendment establishes a fee of \$2.75 per inspection for state costs. The fee would be divided \$2.25 to Safety and \$.50 to Environmental Services. The fee collected will be deposited in a separate account established in the highway fund, called the vehicle emissions inspection account, which shall be non-lapsing. There will be a \$1.25 temporary fee charged for two years to reimburse the highway surplus account for all start-up costs. This program will be fully funded by the vehicle emissions inspection account. Vote 17-3.

Rep. Ferguson moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Franklin Torr and Merrill spoke against.

Rep. Jeb Bradley spoke against and yielded to questions.

Rep. Cogswell spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 119

NAYS 228

**YEAS 119
BELKNAP**

Golden, Paul	Johnson, Carl	Lawton, David
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CARROLL

Cogswell, Richard	Wiggin, Gordon
-------------------	----------------

CHESHIRE

Delano, Robert	McNamara, Wanda
----------------	-----------------

COOS

Coulombe, Henry	Foss, Frederic
-----------------	----------------

GRAFTON

Chase, Paul, Jr.	Dow, David	Gordon, Edward	Hill, Richard
Rose, William	Treffa, Richard		

HILLSBOROUGH

Andrews, Frederick	Bagley, Amy	Bergeron, Lucien	Burke, M. Virginia
Chabot, Robert	Cote, David	Daniels, Gary	Dodge, Emma
Domaingue, Jacquelyn	Donovan, Francis	Dyer, Merton	Fenton, James
Ferguson, Charles	Fields, Dennis	Hart, Nick	Healy, Daniel
Holt, David	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kelley, Robert	L'Heureux, Robert	Lachut, Ervin	Martin, Mary Ellen
Moncrief, Keith	Morrisette, Roland	Murphy, Robert	Pepino, Leo
Peters, Stanley	Rheault, Lillian	Riley, Frances	Rodgers, G. Philip
Rothhaus, Finlay	Smart, John	Smith, Leonard	Soucy, Richard
Tate, Joan	Toomey, Kathryn	Turgeon, Roland	Upton, Barbara
Weergang, Alida	Wells, Peter, Sr.	Wright, George	

MERRIMACK

Apple, Lowell	Barberia, Richard	Chandler, Earle	Gilbreth, Robert
Houlahan, Thomas	Johnson, C. William	Kennedy, Richard	Kidder, William
Langer, Ray	Newland, Matthew	Nichols, Avis	Stapleton, Henry
Whalley, Michael	Willis, Jack		

ROCKINGHAM

Aranda, M. Kathryn	Beaulieu, Jon	Blake, Daniel	Boucher, William
Bove, Martin	Chester, Sherman	Clark, Vivian	Cote, Charles
Crossman, Harold, Jr.	DiPietro, Carmela	Dowd, Sandra	Dube, LeRoy
Fesh, Robert	Flanders, David	Flanders, John, Sr.	Gage, Beverly

Gorman, Donald
McKinney, Betsy
Putnam, Ed, II
Stone, Joseph
Weyler, Kenneth

Hemenway, Thomas
Miller, Don
Rubin, George
Stritch, C. Donald
Williamson, William

Katsakiores, George
Packard, Sherman
Schanda, Joseph, Sr.
Warburton, Calvin

Katsakiores, Phyllis
Pullman, Robert
Smith, Arthur
Welch, David

Brown, George
Keans, Sandra
Snyder, Clair

Brown, Julie
Kincaid, William
Sullivan, Henry

Chagnon, Ronald
Pageotte, Donald
Vincent, Francis

Hashem, Elaine
Pelletier, Marsha

STRAFFORD

SULLIVAN

Domini, Irene

Peyron, Fredrik

NAYS 228

BELKNAP

Bartlett, Gordon
Hawkins, Robert
Rosen, Ralph
Ziegra, Alice

Cain, Thomas
Holbrook, Robert
Salatiello, Thomas

Campbell, Richard, Jr.
Lafam, Robert
Smith, Linda

Hauck, William
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Saunders, Howard

Dickinson, Howard, Jr.
Wiggin, Allen

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Lynch, Margaret
Richardson, Barbara
Russell, Ronald

Bonneau, Sarah
Foster, Katherine
Manning, Joseph
Riley, William

Burnham, Daniel
Hunt, John
Metzger, Katherine
Robertson, Timothy

Champagne, Richard
Kingsbury, H. Thayer
Pearson, Gertrude
Royce, H. Charles

COOS

Bradley, Paula
Mayhew, Josephine
Wiswell, James

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

Horton, Lynn
Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Channing
Eaton, Stephanie
Larson, Nils, Jr.
Teschner, Douglass

Bean, Pamela
Brown, Patricia
Guest, Robert
McIlwaine, Deborah
Wadsworth, Karen

Below, Clifton
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon
Ward, Kathleen

Brown, Alson
Driscoll, William
LaMott, Paul
Scanlan, David

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Daigle, Robert
Durham, Susan
Greenberg, Gary
Holden, Carol
Jean, Claudette
Laughlin, J. Francis
Mason, Howard
Mercer, Robert
Morello, Michael
Perkins, Paul
Reidy, Frank
Vanderlosk, Stanley

Ahrens, Frederick
Bergeron, Normand
Cepaitis, Elizabeth
Desrosiers, William
Foster, Linda
Haettenschwiller, Alphonse
Holley, Sylvia
Kelley, Dana
Lessard, Rudy
McCann, Bonnie
Messier, Irene
Nardi, Theodora
Philbrook, Paula
Sargent, Maxwell
Wheeler, Robert

Amidon, Eleanor
Bowers, Dorothy
Cowenhoven, Garret
Drabinowicz, A. Theresa
Gagnon, Eugene
Hall, Betty
Holt, Mark
Kirby, Thomas
Lown, Elizabeth
McCarty, Winston
Milligan, Robert
O'Rourke, Joanne
Plourde, Alphonse
Searles, Stanley, Sr.
White, John

Arnold, Barbara
Buckley, Raymond
Crotty, Edward
Drolet, Paul
Gosselin, Gerald
Hanselman, Gregory
Jasper, Shawn
Kurk, Neal
Lozeau, Donnalee
McRae, Karen
Mittelman, David
Packard, Bonnie
Record, Alice
Soucy, Donna

MERRIMACK

Braiterman, Thea	Buessing, Marjorie	Carter, Susan	Chandler, John
Daneault, Gabriel	Dunn, Miriam	Feuerstein, Martin	Fillion, Paul
French, Barbara	Gross, Caroline	Hall, Douglas	Hill, Michael
Lockwood, Robert	Owen, Derek	Pfaff, Terence	Regan, Maurice
Rogers, Katherine	Soldati, Jennifer	Teague, Bert	Trombly, Rick
Weeks, John, Jr.	Yeaton, Charles		

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Bell, Juanita	Campbell, Marilyn
Caswell, Albert, Jr.	Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy
Conroy, Janet	Cote, Patricia	Dowling, Patricia	Drake, Herbert
Felch, Charles, Sr.	Flanagan, Natalie	Groves, Bonnie	Hurst, Sharleene
Johnson, Bill	Johnson, Robert	Kane, Cecelia	Klemarczyk, Thaddeus
Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca	Lovejoy, Marian
Malcolm, Kenneth	McGovern, Cynthia	Newman, Rick	Noyes, Richard
O'Keefe, Patricia	Pantelakos, Laura	Pratt, Katharin	Raynowska, Bernard
Richards, David	Ritzo, Eugene	Rosencrantz, James	Senter, Marilyn
Splaine, James	Syracusa, Anthony	Sytek, Donna	Sytek, John
Teminko, Margaret	Vaughn, Charles	Woods, Deborah	Yennaco, Carol

STRAFFORD

Callaghan, Frank	Douglass, Clyde	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hemon, Roland	Hilliard, Dana	Knowles, William
Loder, Suzanne	McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert
Merrill, Amanda	Merritt, Deborah	Musler, George	Nehring, William
O'Brien, John	Pelletier, Arthur	Rogers, Rose Marie	Spear, Barbara
Torr, Ann	Torr, Franklin	Torr, Ralph	Wall, Janet
Wasson, Richard	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Lindblade, Eric
Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol	

and the motion failed.

Amendment (2167B)

Amend the bill by replacing section 1 with the following:

1 New Section; Emissions Certificate Required. Amend RSA 261 by inserting after section 72 the following new section:

261:72-a Emissions Certificate Required.

I. As of January 1, 1995, the registration of any vehicle subject to emissions inspection, as determined by RSA 268:2, XX, which was either scheduled for a biennial emissions inspection or was registered to a new person, shall be suspended unless a certificate of compliance or a certificate of exemption issued for the vehicle within the previous 90 days was either:

(a) Presented at the time of registration to the department or a municipal agent authorized under RSA 261:74-a through 261:74-g; or

(b) Presented not later than 45 days after the date of registration to the department or authorized agent. The registrant shall be provided at the time of registration with a notice of emissions inspection deficiency detailing the necessary steps to come into compliance and any enforcement action that the registrant may be subject to. The department shall send to the registrant a final notice of emissions inspection deficiency at approximately 20 days from the date of registration if the vehicle is still in noncompliance. The final notice shall state that on the date 45 days from the date of registration the vehicle's registration shall be automatically suspended and the vehicle plates shall be subject to confiscation by the department, without further notice, unless compliance is demonstrated before such date.

II. A suspended registration shall not be restored until all requirements of the law are complied with, including the issuance of a certificate of compliance or a certificate of exemption for the vehicle. The department is authorized to confiscate the number plates of any vehicle upon suspension of its registration.

III. A certificate of compliance or a certificate of exemption shall not be a requirement for the issuance of a permit for registration by municipalities under RSA 261:148.

IV. This section shall not apply to the initial registration of a new vehicle which has been titled for the first time.

V. The commissioner shall adopt rules, after public hearing, for the reregistration of subject vehicles that are temporarily located out of state during the time period of required reregistration and which are scheduled for biennial emissions inspection. Such rules may, provided the emissions reductions expected from such vehicles under the emissions inspection program are not significantly compromised, allow for the following:

(a) Reliance upon results of emissions inspections performed on such vehicles in other states that have agreed to inspect New Hampshire registered vehicles and which have comparable inspection requirements.

(b) Notwithstanding paragraph I, the reregistration of such vehicles without meeting emissions inspection requirements, provided the vehicles meet such requirements within a certain time period, as determined by the commissioner.

Amend the bill by deleting section 2 and renumbering the original sections 3-8 to read as 2-7, respectively.

Amend RSA 268:2 as inserted by section 2 of the bill by inserting after paragraph XIV the following and renumbering the original paragraphs XV-XXI to read as XVI-XXII, respectively.

XV. "New Hampshire state implementation plan" means the state plan to attain and maintain the national ambient air quality standards in New Hampshire. The plan is required by the federal Clean Air Act, submitted to EPA for approval, and is required to include the necessary legal authority for implementation.

Amend RSA 268:2, XX as inserted by section 2 of the bill by replacing it with the following:

XX. "Subject vehicle" means a vehicle as defined by RSA 268:4 and RSA 268:2, XXII.

Amend RSA 268:5, I as inserted by section 2 of the bill by replacing it with the following:

I. As of January 1, 1995, all subject vehicles shall undergo biennial emissions inspection as a requirement of vehicle registration under RSA 261. The department shall contract, in accordance with the provisions of RSA 268:10, with one or more private entities to perform all emissions inspections on subject vehicles at emissions inspection stations. A contractor may not repair any vehicles, nor recommend to vehicle owners any persons or businesses that provide repair services.

Amend RSA 268:7, I as inserted by section 2 of the bill by replacing it with the following:

I. The number and location of emissions inspection stations must provide convenient public access. Convenient public access shall mean that at least 80 percent of subject vehicles must be registered within a 5 mile radius of a station and 95 percent registered within a 12 mile radius of a station. The commissioner may, however, after consultation with the advisory committee, develop alternative siting criteria within the program area for purposes of lowering the inspection fee to the public, provided access by the public to the stations is deemed convenient under the alternative siting criteria.

Amend RSA 268:10, V as inserted by section 2 of the bill by deleting it.

Amend RSA 268:11, I as inserted by section 2 of the bill by replacing it with the following:

I. The fee per inspection at an emissions inspection station shall equal the sum of the contracted cost of each inspection plus \$2.75 per inspection which shall pay for state costs associated with carrying out the program. The inspection fee shall not significantly vary from one region of the state to another. Of the \$2.75 fee, \$2.25 shall be designated for the department, and \$.50 for the department of environmental services. The department shall collect from the inspection contractor all \$2.75 fee proceeds, which shall be deposited into a separate account established in the highway fund called the vehicle emissions inspection account. All fines and penalties collected under this chapter shall also be deposited into the vehicle emissions inspection account. The amount deposited into the vehicle emissions inspection account is hereby continually appropriated for the purposes of this chapter and shall be nonlapsing.

Amend RSA 268:11, III as inserted by section 2 of the bill by replacing it with the following:

III. The program shall be self-supporting, requiring the continually appropriated funds in the vehicle emissions inspection account in the highway fund, but no general fund appropriations. No state funds shall be used for construction, equipment or operating costs associated with emissions inspection stations.

Amend RSA 268:11, V as inserted by section 2 of the bill by replacing it with the following:

V. With the prior approval of the fiscal committee and the governor and council, the commissioner is authorized to draw upon the highway fund surplus account for start-up costs of the program. Upon the prior approval of the fiscal committee and the governor and council, the commissioner of environmental services is authorized and shall draw upon the highway fund surplus account for program evaluation start-up costs, and the establishment and start-up of 4 additional ozone monitoring stations in those counties that are not presently monitored. In addition to the \$2.75 state fee collected under paragraph I, a temporary \$1.25 fee shall be assessed for the first 2 years of vehicle inspections. The temporary fee shall be deposited into the vehicle emissions inspection account and shall be used to reimburse the highway fund surplus account for all start-up costs.

Amend RSA 268:16, XIV as inserted by section 2 of the bill by replacing it with the following:

XIV. Establishing a biennial inspection schedule based upon the emissions certificate requirements for vehicle registration under RSA 261:72-a.

Amend RSA 268:20, I(a) and (b) as inserted by section 2 of the bill by replacing it with the following:

(a) Four representatives, appointed by the speaker of the house, at least 2 of whom shall reside in the program area.

(b) Two senators, appointed by the senate president, at least one of whom shall reside in the program area.

Amend RSA 268:20, III as inserted by section 2 of the bill by replacing it with the following:

III. The committee shall perform an ongoing evaluation of the effectiveness of the emissions inspection and maintenance program and report its findings and recommendations to the commissioner, the governor and council, the speaker of the house, the senate president, the house environment and agriculture committee and the senate environment committee by October 1 of each year.

Amend section 3 of the bill by replacing it with the following:

3 Administrative Procedure Act Exemption. Amend RSA 541-A:10, I by inserting after subparagraph (n) the following new subparagraph:

(o) RSA 268 and RSA 261:72-a, V, relative to motor vehicle emissions.

AMENDED ANALYSIS

This bill establishes an enhanced emissions inspection and maintenance program in Hillsborough, Merrimack, Rockingham and Strafford counties. The commissioner of safety may, with the approval of the governor, include additional counties in the program. The program requires motor vehicles to be maintained to prevent excess emissions of air pollutants in violation of the Clean Air Act.

This bill requires all fees, fines, and penalties collected under the program to be deposited into a separate account within the highway fund and that the program shall be self-supporting from appropriations from the vehicle emissions inspection account in the highway fund. Start-up costs shall be drawn from the highway fund and reimbursed from a temporary fee collected under the program. The bill also establishes a vehicle emissions advisory committee and requires the department of environmental services to conduct a motor vehicle diesel emissions study.

Adopted.

Report adopted and ordered to third reading.

HB 653, relative to the practice of optometry. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was referred to the committee, after study by the Health, Human Services and Elderly Affairs committee. This committee held many public hearings and work sessions on the change of practice of optometry and amended the bill to change the formulary board and increase the scope of practice. This bill

does not allow the treatment of sight threatening diseases, such as glaucoma, by optometrists. This care is best left in the hands of the medical specialist of eye diseases, the ophthalmologist. This bill also increases the continuing education requirements of optometrists. Vote 12-0.

Rep. Kathleen Ward spoke in favor.

Rep. Dyer spoke in favor and yielded to questions.

SPECIAL ORDER

Rep. Lozeau moved that **HB 653**, relative to the practice of optometry, be made a special order for Wednesday, April 14 following the budget briefing and spoke in favor.

Rep. Ann Torr spoke against and yielded to questions.

Rep. Kathleen Ward yielded to questions.

Rep. Haettenschwiller spoke in favor.

On a division vote, 231 members having voted in the affirmative and 112 in the negative, the motion was adopted.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the Rules be so far suspended as to permit consideration at the present time of **HB 690-FN**, allowing and regulating limited liability companies and professional limited liability companies.

Adopted by the necessary two-thirds.

HB 690-FN, allowing and regulating limited liability companies and professional limited liability companies. OUGHT TO PASS WITH AMENDMENT

Reps. Elizabeth D. Lown, Peter H. Burling and Finlay C. Rothhaus for Judiciary: **HB 690-FN** is enabling legislation which would allow the formation and regulation of a new kind of business entity in New Hampshire. This type of business organization is similar to the limited partnership and "s" corporation combining the tax advantages of the partnership with the liability shield of the corporation. There are also provisions that would facilitate the setting up and dissolution of such a company. The committee feels strongly that this will offer New Hampshire businesses a valuable new format, while preserving all the necessary securities protections and consumers' rights. Vote 15-2.

Amendment (2212B)

Amend RSA 304-C:9, I(a)-(c) as inserted by section 12 of the bill by replacing them with the following:

(a) The member, manager or person conducted himself in good faith; and

(b) The member, manager, or person reasonably believed his conduct was not opposed to the best interest of the limited liability company.

Amend RSA 304-C:18, I and II as inserted by section 2 of the bill by replacing them with the following:

I. Unless otherwise provided in writing in a limited liability company agreement, and subject to any law applicable to business entities other than limited liability companies, one or more limited liability companies may merge with or into one or more other business entities, with the limited liability company or other business entity as the merger agreement shall provide being the surviving limited liability company or other business entity.

II. Rights or securities of or interests in a business entity that is a party to the merger may be exchanged for or converted into cash, property, obligations, rights or securities of or interests in the surviving business entity or of any other business entity.

Amend RSA 304-C:20, III as inserted by section 2 of the bill by replacing it with the following:

III. An agreement of merger approved in accordance with RSA 304-C:19 may effect any amendment to a limited liability company agreement for a limited liability company if it is the surviving limited liability company in the merger. An approved agreement of merger may also provide that the limited liability company agreement of any constituent limited liability company to the merger (including a limited liability company formed for the purpose of consummating a merger) shall be the limited liability company agreement of the surviving limited liability company. Any amendment to a limited liability company agreement or adoption of a new limited lia-

bility company agreement made pursuant to this paragraph shall be effective at the effective time or date of the merger. The provisions of this paragraph shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in a limited liability company agreement or other agreement or as otherwise permitted by law.

Amend RSA 304-C:21, I as inserted by section 2 of the bill by replacing it with the following:

I. The business entity surviving from the merger shall deliver to the secretary of state a certificate of merger executed by each constituent entity setting forth:

(a) The name and jurisdiction of formation or organization of each business entity which is to merge;

(b) That an agreement of merger has been approved and executed by each business entity which is a party to the merger;

(c) The name of the surviving business entity;

(d) To the extent permitted by RSA 304-C:11 the future effective date and time of the merger (which shall be a date or time certain) if it is not to be effective at the close of business on the date of filing of the certificate of merger;

(e) That the agreement of merger is on file at a place of business of the surviving business entity, and the address of that place of business;

(f) That a copy of the agreement of merger will be furnished by the surviving business entity, on request and without cost, to any person holding an interest in any business entity which is to merge; and

(g) If the surviving entity is not a business entity organized under the laws of this state, a statement that such surviving business entity:

(1) Agrees that it may be served with process in this state in any proceeding for enforcement of any obligation of any business entity party to the merger that was organized under the laws of this state, as well as for enforcement of any obligation of the surviving business entity arising from the merger; and

(2) Appoints the secretary of state as its agent for service of process in any such proceeding, and the surviving business entity shall specify the address to which a copy of the process shall be mailed to it by the secretary of state.

Amend RSA 304-C:21, IV as inserted by section 2 of the bill by replacing it with the following:

IV. A certificate of merger shall constitute a certificate of cancellation for a limited liability company which is not the surviving business entity in the merger.

Amend RSA 304-C:22, II-IV as inserted by section 2 of the bill by replacing them with the following:

II. Each party to the merger agreement, except the surviving entity, shall cease to exist;

III. The surviving entity shall thereupon and thereafter possess all the rights, privileges, immunities, and powers of each constituent entity and shall be subject to all the restrictions, disabilities, and duties of each of such constituent entities to the extent such rights, privileges, immunities, powers, franchises, restrictions, disabilities, and duties are applicable to the type of business entity that is the surviving entity;

IV. All property, real, personal and mixed, and all debts due on whatever account, including promises to make capital contributions and subscriptions for shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the constituent entities shall be vested in the surviving entity without further act or deed;

Amend RSA 304-C:22, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The surviving entity shall thenceforth be liable for all liabilities and obligations of each of the constituent entities so merged, and any claim existing or action or proceeding pending by or against any such constituent entity may be prosecuted as if such merger had not taken place, or the surviving entity may be substituted in the action;

Amend the section heading of RSA 304-C:24 as inserted by section 2 of the bill by replacing it with the following:

304-C:24 Classes, Meetings, and Voting of Members.

Amend RSA 304-C:24 as inserted by section 2 of the bill by inserting after paragraph VI the following new paragraphs:

VII. Unless otherwise provided by law or in a limited liability company agreement or certificate of formation, no meeting is required for any decision or action of members or managers of a limited liability company.

VIII. For a limited liability company in which management is vested in fewer than all the members, there shall be, no less than once each year, a meeting of the members to consider the affairs of the limited liability company, and to take any action permitted to be taken by the members by law, the limited liability company agreement, or the certificate of formation.

(a) The meeting may be held in person or wholly or partly by any substantially simultaneous means or telecommunications or by unanimous written waiver or consent of the members.

(b) Members may participate in person or by proxy.

(c) Unless otherwise provided in the limited liability company agreement or certificate of formation, any means of notice reasonably calculated to give the members an opportunity to participate shall be sufficient.

(d) A quorum for the meeting shall be one more than 1/2 by number of all members unless a higher number is provided in the limited liability company agreement or certificate of formation.

(e) In addition to any other business that may come before the meeting, the persons having management of the limited liability company shall report on the affairs of the company and shall either make available in writing the information listed in RSA 304-C:28, I(a)-(e) or be prepared to respond promptly in writing to demands for information pursuant to RSA 304-C:28.

Amend the introductory paragraph of RSA 304-C:27, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Unless otherwise provided in a limited liability company agreement or by the written consent of all members at the time, the member:

Amend RSA 304-C:27, I(i) as inserted by section 2 of the bill by replacing it with the following:

(i) Unless otherwise provided in a limited liability company agreement or by the written consent of all members at the time, in the case of an estate, the distribution by the fiduciary of the estate's entire interest in the limited liability company.

Amend RSA 304-C:31, III as inserted by section 2 of the bill by replacing it with the following:

III. A person who is both a manager and a member has the rights and powers and is subject to the restrictions and liabilities of a manager, and except as provided in a limited liability company agreement, also has the rights and powers, and is subject to the restrictions and liabilities, of a member to the extent of such person's participation in the limited liability company as a member.

Amend RSA 304-C:31, V(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Every member and manager must account to the limited liability company and hold as trustee for it any unfair or unreasonable profit or benefit derived by that person without the consent or ratification of more than 1/2 by number of the disinterested managers and members or other persons participating in the management of the business or affairs of the limited liability company, from:

(1) Transactions connected with the conduct or winding up of the limited liability company;

(2) Any use by the member or manager of the limited liability company's property, including, but not limited to, confidential or proprietary information of the limited liability company or other matters entrusted to the manager or member as a result of such status; or

(3) Any contract, lease, or license between the limited liability company and the member or manager or any entity in which the member or manager has a substantial pecuniary interest; or

Amend RSA 304-C:36 as inserted by section 2 of the bill by replacing it with the following:
304-C:36 Form of Contribution.

I. The contribution of a member to a limited liability company may be in cash, property or services rendered, or a promissory note or other obligation to contribute cash or property or to perform services.

II. At the time of admission of any member whose contribution is or will be in any form other than money, or who is admitted to membership without contribution, or when a present member makes an additional contribution in any form other than money, the persons having management of the limited liability company shall state in dollars a value for the contribution or that there was no contribution, and thereafter, in the absence of fraud, such determination is conclusive as to the value of the contribution or the fact that there was no contribution.

Amend RSA 304-C:41, I as inserted by section 2 of the bill by replacing it with the following:

I. Except as provided in this subdivision, any member, upon ceasing to be a member pursuant to RSA 304-C:27, is entitled to receive any distribution to which the member is entitled under a limited liability company agreement and, if not otherwise provided in a limited liability company agreement, the member is entitled to receive, within a reasonable time after dissociation, the fair value of the member's limited liability company interest as of the date of cessation of membership based upon the member's right to share in distributions from the limited liability company.

Amend RSA 304-C:41 as inserted by section 2 of the bill by replacing all after paragraph II with the following:

III. If any amendment to the limited liability company agreement (a) altering or abolishing a right in respect of distribution, (b) altering or abolishing a right to voluntarily withdraw, or (c) altering or abolishing any right of a member to vote on any matter other than alteration by dilution through the admission of other members or acceptance of contributions is adopted over the written dissent of that member, and that member is not then permitted to withdraw by voluntary act without breach or penalty, then such member shall be entitled to withdraw from the limited liability company as of the effective date and time of the amendment and receive, within a reasonable time after the amendment becomes effective, the fair value of his limited liability company interest immediately before the amendment becomes effective, excluding any appreciation or depreciation in anticipation of the amendment, unless exclusion would be inequitable.

IV. A member entitled to dissent and obtain payment for his interest under paragraph II or III shall not challenge the merger or amendment unless the merger or amendment is unlawful or fraudulent with respect to the member or the limited liability company.

Amend the introductory paragraph of RSA 304-C:51 as inserted by section 2 of the bill by replacing it with the following:

304-C:51 Judicial Dissolution. On application by or for a member or manager the superior court may decree dissolution of a limited liability company upon the occurrence of one or more of the following:

Amend RSA 304-C:51, V and VI as inserted by section 2 of the bill by replacing them with the following:

V. Abuse of its power contrary to the public policy of the state;

VI. A deadlock in the management of a limited liability company, the members are unable to break the deadlock, and because of the deadlock either irreparable injury to the limited liability company is threatened or being suffered or its business and affairs can no longer be conducted to its advantage; or

VII. An event specified as a ground for judicial dissolution in the limited liability company agreement.

The attorney general may apply to the superior court for a decree of dissolution of a limited liability company upon the occurrence of one or more of the grounds stated in RSA 304-C:51, I through V.

Amend RSA 304-C:53, I as inserted by section 2 of the bill by replacing it with the following:

I. If the secretary of state determines that one or more grounds exist under RSA 304-C:52 for dissolving a limited liability company, he shall administratively dissolve the limited liability company by signing and mailing a notice of dissolution to the limited liability company at its principal address that recites the grounds for dissolution and effective date, together with an application for reinstatement, and shall at the same time give notice to the department of revenue administration.

Amend RSA 304-C:72, V as inserted by section 2 of the bill by replacing it with the following:

V. The secretary of state receives a duly authenticated certificate from the secretary of state or other official having the custody of limited liability company records in the state or country under whose law the foreign limited liability company is formed stating that it has been dissolved or disappeared as the result of a merger.

Amend the introductory paragraph of RSA 304-C:76, I as inserted by section 2 of the bill by replacing it with the following:

I. A member or members may bring an action in the superior court in the right of a limited liability company to recover a judgment in its favor if managers or members with authority to do so have refused to bring the action or if an effort to cause those managers or members to bring the action is not likely to succeed, provided that:

Amend RSA 304-C as inserted by section 2 of the bill by inserting after section 83 the following new section:

304-C:84 Reserved Power of State of New Hampshire to Alter or Repeal Chapter. All provisions of this chapter may be altered from time to time or repealed, and all rights of members and managers are subject to this reservation.

Amend RSA 77-A:18, II as inserted by section 12 of the bill by replacing it with the following:

II. A business organization wishing to obtain a statement for withdrawal, in accordance with RSA 293-A:15.20(b)(6) *or* RSA 304-C:68, shall submit a written request containing the complete corporate *or limited liability company* name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the business organization's records, the commissioner determines that no returns, tax, interest or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement for withdrawal for the purposes required under RSA 293-A:15.20(b)(6) *or* RSA 304-C:68.

Amend the bill by deleting section 1 and renumbering the original sections 2-13 to read as 1-12, respectively.

Amend the bill by replacing all after section 11 with the following:

12 Service of Process. Amend RSA 510:13 to read as follows:

510:13 Associations. Service of writs or other process against unincorporated associations, joint stock companies, *limited liability companies*, syndicates, orders or any mutual association of persons, other than a partnership having not more than 4 members, within this state may, except when otherwise provided, be made upon any officer thereof, or, if it has no officer, then upon any 2 members thereof.

13 Effective Date. This act shall take effect July 1, 1993.

Adopted.

Rep. Lown spoke in favor.

Reps. Mercer and Burling spoke in favor and yielded to questions.

Rep. Harwell spoke against.

Report adopted and ordered to third reading.

SPECIAL ORDERS

Without objection, the Speaker made all remaining bills Special Orders for Wednesday, April 14, 1993.

RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 14, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 218-FN-A-L, relative to the driver training fund.

HB 249-FN-A, relative to a lease-purchase agreement between the city of Franklin and the state to design and construct a new district courthouse; and extending lapse dates for certain capital appropriations.

HB 262-FN, providing a 5 percent cost of living adjustment for teacher members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members.

HB 435-FN, relative to an alternate state contribution for surface water treatment systems.

HB 450-FN-A, appropriating matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord.

HB 453-FN, relative to delays in processing applications for state public assistance, and making an appropriation therefore.

HB 556-FN-A, offering a reward for the apprehension of former Newport district court judge, John C. Fairbanks, and making a appropriation therefor.

HB 567-FN-A, requiring the office of state planning to conduct a satellite survey of clearcut areas and making an appropriation therefor.

HB 572-FN-A, authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund, and appointing special deputy forest rangers.

HB 589-FN, requiring certain entities performing medical utilization review services to register with the insurance department.

HB 597-FN, relative to the New Hampshire Native Plant Protection Act.

HBI 6, relating to the financing of gubernatorial transitions.

HB 672-FN-A-L, establishing a health kids corporation and making an appropriation therefor and continually appropriating a special fund.

SB 75, allowing a property tax exemption for solar-powered electricity.

HB 433-FN-L, providing a cost of living adjustment for group I and group II retirement system members.

SB 56, relative to coverage for intra-family or inter-spousal claims under liability insurance policies.

SB 98, relative to fees charged for processing and approval of residential mortgage loan applications.

SB 217-FN, clarifying the laws relative to guardianship and expanding a guardian's powers.

SB 13, extending the reporting date of the committee studying the effects of substance abuse on health care and economic costs to the state.

SB 64, extending the reporting date of the committee to study head injury cases.

SB 131, extending the reporting date for the committee studying gender equity sports.

SB 122, entitling Persian Gulf War veterans to the standard \$50 veterans' tax credit.

SB 190-FN, naming the Route 25 rest area in the town of Rumney as the Nathan Clifford Memorial Rest Area.

SB 11, allowing 15-year old persons to bus tables in dining rooms.

SB 186-FN, requiring the division of water supply and pollution control to set standards of design and construction for unconventional waste treatment systems.

SB 80, restricting the use of motorized craft on Goose Pond in Keene and Turee Pond in Bow.

HB 173-FN, making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent policeman" to include "state corrections officers" for the purposes of the retirement system and relative to the payment of medical benefits to certain group II retirement system members.

HB 437-FN, establishing a pilot program in one county designated by the court requiring parents involved with child custody or support issues to participate in certain seminars and making an appropriation therefor.

HB 674-FN, establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study.

HB 690-FN, allowing and regulating limited liability companies and professional limited liability companies.

ENROLLED BILL REPORT

HB 137, lowering the level for legal intoxication under the DWI laws from .10 to .08.
Rep. Drabinowicz for the Committee

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the Rules be so far suspended as to permit the Budget Briefing called for in House Rule 48 a to occur Wednesday, April 14, rather than Tuesday, April 13.

Rep. Gross spoke in favor.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House stand in recess for the purpose of Introduction of Senate bills and Enrolling Reports only.

Adopted.

The House recessed at 5:10 p.m.

RECESS

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 19

Wednesday, April 14, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Carolyn H. Keilig from the First Congregational Church in Concord.

Heavenly Creator, we praise You this day, and ask that Your blessings pour down upon our beloved State of New Hampshire. Grant that the people of this state may prosper so that the day may come when none will lack adequate shelter, food, clothing or health care. To that end, we ask Your wisdom and Your guidance for each member of this body as decisions are made that affect us all. Amen.

Rep. Delano led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Plourde, Julie Brown, Perry, McNerney and Holmes, the day, illness.

Reps. Moncrief, Asselin, Philbrook, David Flanders, William McCann, Larson, Lessard, Allen Wiggin, Smart, Coulombe, Christie, Scanlan, Croy, Ruth Gage, Crum, Musler, David Holt, Edwin Smith, Guay, St. Martin, Allen, Paul White, and Richards, the day, important business.

Reps. Braiterman, Turner and Sallada, the day, death in the family.

Rep. Marilyn Campbell, the day, illness in the family.

BUDGET BRIEFING

Reps. Channing Brown, Franklin Torr, LaMott, Schotanus, Douglas Hall and Ferguson briefed the House on the budget and yielded to questions.

(Rep. Michael Hill in the Chair)

SPECIAL ORDER

Rep. Gross moved that **HB 653**, relative to the practice of optometry, be made a special order for Thursday, April 15, 1993 following HB 2-FN on the regular calendar and spoke in favor.

Reps. Wells and Burling spoke in favor.

Adopted.

SPECIAL ORDERS

SB 59, relative to the privacy act. RE-REFER TO COMMITTEE

Rep. Rick G. Newman for Judiciary: The committee wishes to clear up the definition of creditor as it pertains to this bill. There is a need to address the issue raised by the Department of Justice and the committee expects to do that over the summer. Vote 11-4.

Adopted.

SB 83, authorizing municipalities to adopt a property tax exemption for the totally and permanently disabled. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas B. Salatiello for Municipal and County Government: This bill authorizes a city or town to adopt a property tax exemption, in an amount to be chosen by the city or town, for the totally and permanently disabled. This bill is enabling legislation and the amendment reflects several technical changes for clarity. Vote 17-0.

Amendment (2178B)

Amend the bill by replacing section 1 with the following:

1 New Sections; Exemption for the Totally and Permanently Disabled. Amend RSA 72 by inserting after section 37-a the following new section:

72:37-b Exemption for the Totally and Permanently Disabled.

I. Upon its adoption by a city or town as provided in RSA 72:37-c, any person who is eligible under the federal Social Security Act for benefits to the totally and permanently disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

II. The exemption in paragraph I may be applied only to property which is occupied as the

principal place of abode by the totally and permanently disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

72:37-c Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA 72:37-b for an optional exemption for the totally and permanently disabled in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt an exemption for the totally and permanently disabled? The exemption, based on assessed value, for qualified taxpayers shall be (here insert dollar amount). To qualify, the person must have been a New Hampshire resident for at least 5 years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than (here insert dollar amount) or, if married, a combined net income of not more than (here insert dollar amount); and own net assets not in excess of (here insert dollar amount) excluding the value of the person's residence."

II. If a majority of those voting on the question vote "Yes", the exemption for the totally and permanently disabled shall apply within the town or city on the date set by the selectmen or the city council; provided, however, that upon adoption the exemption shall take effect no later than April 1 next following the referendum.

III. A municipality may change the amounts of the exemption for the totally and permanently disabled in the manner described in paragraph I. The wording of the question shall be the same as set out in subparagraph I(c), except the word "adopt" shall be changed to "modify."

IV.(a) A town or city may consider rescinding its action in the manner described in paragraph I. The wording of the question shall be the same as set out in subparagraph I(c), except the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes", then as of the next April 1, following the action taken to rescind, the exemption for the totally and permanently disabled shall not apply within the town or city.

Adopted.

Report adopted and ordered to third reading.

SB 12-FN, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages, and adding a new fee for certain wine and liquor vendors. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas A. Behrens for Regulated Revenues: The Committee endorses the passage of SB 12 as amended. The committee amendment, while not pleasing all interested parties, protects the revenues of the liquor commission as well as New Hampshire brokers' ability to compete. By passage of this legislation out-of-state interests may be held accountable for actions which could be deemed noncompetitive by the liquor commission. Almost lost in this amendment was the committee's support for licensing of warehousemen and the adjusting of licensing fees for vendors based upon volume. Vote 16-0.

Amendment (2142B)

Amend the title of the bill by replacing it with the following:

AN ACT

creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages; adding a new fee for certain wine and liquor vendors; and relative to contracts by liquor and wine representatives and sanctions by the liquor commission against competitors.

Amend the bill by replacing section 4 with the following:

4 Liquor and Wine Representatives; Contract; Termination Notices. Amend RSA 178:1, V to read as follows:

V. All contracts and agreements entered into by liquor and wine representatives shall be enforceable under New Hampshire laws and shall have termination notices of not less than 60 days.

5 Liquor Commission; Unfair Competition. Amend RSA 176:11 to read as follows:
176:11 Commission to Sell.

I. It shall be the duty of the commission to buy and have in its possession liquor for sale in the manner provided in this title. Such liquors shall be free from adulteration and misbranding within the meaning of the provisions of RSA 146. All liquors sold for medicinal use shall conform to the standards and tests for such liquors as laid down in the United States Pharmacopoeia, official at the time of sale. All purchases of liquor shall be made by the commission directly and not through the department of administrative services. The commission shall be subject to all the provisions so far as applicable of RSA 9.

II. In the event that the commission determines New Hampshire liquor revenues are being diverted by actions taken by persons holding either liquor and wine representative, liquor vendor or table wine vendor licenses who compete directly or indirectly with the commission for market share in this or other states, the commission may take such marketing or merchandising action, or both, as it deems necessary, including sanctions against products supplied by the competing entities.

6 Applicants for License; Unfair Competition. Amend RSA 176:24, VIII (d) to read as follows:

(d) The applicant has accurately disclosed its interests in other business activities, and there is no substantial likelihood that these interests would interfere with the operation of the proposed business in a lawful manner and in accordance with the purposes of this chapter. [An] **Any** application [shall] **may** be denied if the proposed licensee, or a person with a substantial ownership interest in the applicant, has other business interests [licensed under this chapter] **in this or any other state** which **the commission believes** would create unreasonable opportunities for unfair competition or [other] unlawful activities, or which would unduly hinder the commission in exercising its regulatory and financial responsibilities.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill creates a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor wine and beverages. The bill adds a new fee for wine and liquor vendors who sell more than 10,000 cases per year.

This bill requires that contracts entered into by liquor and wine representatives have termination notices of not less than 60 days.

The bill also grants the commission authority to impose sanctions against licensees who engage in unfair competition with the commission and to deny licenses to applicants who may engage in unreasonable competition with the commission.

Adopted.

Report adopted and referred to Ways and Means.

SB 85, relative to the composition of the wetlands board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: SB 85, as amended, combines both the House position on HB 378 and the Senate position as this bill passed by the Senate. The Committee believes that the public members should be qualified by reason of education or experience to sit on the Wetlands Board. Vote 12-7.

Amendment (2123B)

Amend the bill by replacing section 1 with the following:

1 Members of the Wetlands Board. Amend RSA 482-A:5, I(i) to read as follows:

(i) Four members of the public appointed by the governor and council for a term of 3 years or until a successor is chosen. One of these shall be a member of a municipal conservation

commission at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions; one shall be a supervisor, associate supervisor, former associate supervisor or former supervisor, of a conservation district at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Association of Conservation Districts; one shall be an elected municipal official at the time of appointment, and be one of 3 nominees submitted by the New Hampshire Municipal Association; and one shall be a member of the construction industry at the time of appointment, and be nominated by the governor. *If the nominees submitted by the New Hampshire Association of Conservation Commissions, the New Hampshire Association of Conservation Districts or the New Hampshire Municipal Association are unacceptable to the governor or council, 3 additional nominees shall be submitted by that organization.* The 4 members appointed under this subparagraph shall be *qualified by reason of education or experience and shall be* entitled to expenses as may be authorized by the governor and council.

AMENDED ANALYSIS

This bill requires that the members of the wetlands board be qualified by reason of education and experience.

This bill also requires additional nominees to be submitted if the original nominees submitted by any of the nominating organizations are unacceptable to the governor or council.

Adopted.

Report adopted and ordered to third reading.

SB 204, requiring certain hunters to wear hunter orange. **INEXPEDIENT TO LEGISLATE**

Rep. Linda Ann Smith for Wildlife and Marine Resources: The majority of the committee feels RSA 207:38-b which **RECOMMENDS** any person hunting with a firearm or bow and arrow in this state during hunting season wear the color of hunter orange fully addresses the issue of hunter safety. Fish and Game statutes currently mandate hunter safety education programs for newly licensed hunters. Do we the people of New Hampshire need another mandate? Respect our intelligence and judgment as hunters and preserve our right to choose our colors. Vote 16-1.

Rep. Ritzo moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

(Speaker Burns in the Chair)

Rep. Soldati requested a quorum count. The Speaker declared a quorum present.

Rep. Linda Smith spoke against and yielded to questions.

Rep. Rogers spoke in favor.

Rep. Drake spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 50

NAYS 290

YEAS 50

BELKNAP

Hauck, William

CARROLL

Foster, Robert

Mock, Henry

CHESHIRE

Burnham, Daniel
Manning, Joseph

Delano, Robert
Pearson, Gertrude

Foster, Katherine
Pratt, Irene

Lynch, Margaret

COOS

Mayhew, Josephine

GRAFTON

Adams, Carl

Copenhaver, Marion

Guest, Robert

Nordgren, Sharon

HILLSBOROUGH

Chabot, Robert	Crotty, Edward	Hall, Betty	Hart, Nick
Kirby, Thomas	Mason, Howard	Messier, Irene	Moore, Elizabeth
Paquette, Rodolphe	Reidy, Frank	Smith, Leonard	White, John

MERRIMACK

Apple, Lowell	Chandler, John	Hall, Douglas	Johnson, C. William
Willis, Jack	Yeaton, Charles		

ROCKINGHAM

Beaulieu, Jon	Clark, Martha	Conroy, Janet	Klemarczyk, Thaddeus
Kruse, Fred	Ritzo, Eugene	Rosencrantz, James	Vaughn, Charles
Yennaco, Carol			

STRAFFORD

Hashem, Elaine	Kincaid, William	O'Brien, John	Pelletier, Arthur
Rogers, Rose Marie	Wheeler, Katherine		

SULLIVAN

Kane, Joan	Palmer, Lorraine
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**NAYS 290
BELKNAP**

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Dewhirst, Glenn
Golden, Paul	Hawkins, Robert	Holbrook, Robert	Johnson, Carl
Lafiam, Robert	Rice, Thomas, Jr.	Rosen, Ralph	Salatiello, Thomas
Smith, Linda	Ziegra, Alice		

CARROLL

Beach, Mildred	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Lyman, L. Randy	Philbrick, Donald	Saunders, Howard
Wiggin, Gordon			

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Hunt, John	Kingsbury, H. Thayer	McGuirk, Paul
McNamara, Wanda	Richardson, Barbara	Robertson, Timothy	Royce, H. Charles
Russell, Ronald	Young, David		

COOS

Bradley, Paula	Foss, Frederic	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Wiswell, James	

GRAFTON

Bean, Pamela	Below, Clifton	Brown, Alson	Brown, Channing
Brown, Patricia	Chase, Paul, Jr.	Dow, David	Driscoll, William
Eaton, Stephanie	Gordon, Edward	Ham, Bonnie	LaMott, Paul
Mclwaine, Deborah	Rose, William	Teschner, Douglass	Trelfa, Richard
Wadsworth, Karen	Ward, Kathleen		

HILLSBOROUGH

Ahem, Richard	Ahlgren, Madelyn	Ahrens, Frederick	Amidon, Eleanor
Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.	Bagley, Amy
Bergeron, Lucien	Bergeron, Normand	Borsa, Andrew	Bowers, Dorothy
Buckley, Raymond	Burke, M. Virginia	Calawa, Leon, Jr.	Cote, David
Cowenhoven, Garret	Daigle, Robert	Daniels, Gary	Desrosiers, William
Dodge, Emma	Domaingue, Jacquelyn	Donovan, Francis	Drabinowicz, A. Theresa
Drolet, Paul	Durham, Susan	Dwyer, Patricia	Dyer, Merton

Dykstra, Leona
 Fields, Dennis
 Gervais, Glen
 Hanselman, Gregory
 Holt, Mark
 Jean, Loren
 Kurk, Neal
 Leclerc, Charles
 Martin, Mary Ellen
 Mercer, Robert
 Morrisette, Roland
 Packard, Bonnie
 Record, Alice
 Rothhaus, Finlay
 Soucy, Richard
 Upton, Barbara
 Wheeler, Robert

Eliades, George
 Foster, Linda
 Gosselin, Gerald
 Healy, Daniel
 Hunter, Bruce
 Johnson, Lionel
 L'Heureux, Robert
 Lefebvre, Roland
 McCann, Bonnie
 Milligan, Robert
 Murphy, Robert
 Pepino, Leo
 Rheault, Lillian
 Sargent, Maxwell
 Tate, Joan
 Vanderlosk, Stanley
 Wright, George

Fenton, James
 Franks, Suzan
 Greenberg, Gary
 Holden, Carol
 Jasper, Shawn
 Kelley, Dana
 Lachut, Ervin
 Lown, Elizabeth
 McCarty, Winston
 Mittelman, David
 Nardi, Theodora
 Perkins, Paul
 Riley, Frances
 Searles, Stanley, Sr.
 Toomey, Kathryn
 Weergang, Alida

Ferguson, Charles
 Gagnon, Eugene
 Haettenschwiller, Alphonse
 Holley, Sylvia
 Jean, Claudette
 Kelley, Robert
 Laughlin, J. Francis
 Lozeau, Donnalee
 McRae, Karen
 Morello, Michael
 O'Rourke, Joanne
 Peters, Stanley
 Rodgers, G. Philip
 Soucy, Donna
 Turgeon, Roland
 Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
 Daneault, Gabriel
 French, Barbara
 Johnson, Joyce May
 Lockwood, Robert
 Regan, Maurice
 Stapleton, Henry
 Weeks, John, Jr.

Buessing, Marjorie
 Dunn, Miriam
 Gross, Caroline
 Kennedy, Richard
 Moore, Carol
 Rogers, Katherine
 Teague, Bert
 Whalley, Michael

Carter, Susan
 Feuerstein, Martin
 Hill, Michael
 Kidder, William
 Nichols, Avis
 Shaw, Randall
 Trombly, Rick
 Whittemore, James

Chandler, Earle
 Fillion, Paul
 Houlahan, Thomas
 Langer, Ray
 Owen, Derek
 Soldati, Jennifer
 Wallner, Mary Jane

ROCKINGHAM

Aranda, M. Kathryn
 Blake, Daniel
 Chester, Sherman
 Cote, Patricia
 Dowling, Patricia
 Fesh, Robert
 Gorman, Donald
 Hutchinson, Karen
 Katsakiores, Phyllis
 Malcolm, Kenneth
 Newman, Rick
 Pantelakos, Laura
 Raynowska, Bernard
 Skinner, Patricia
 Syracuse, Anthony
 Warburton, Calvin
 Woods, Deborah

Arndt, Janet
 Boucher, William
 Clark, Vivian
 Crossman, Harold, Jr.
 Drake, Herbert
 Flanagan, Natalie
 Groves, Bonnie
 Johnson, Robert
 Klemm, Arthur, Jr.
 McGovern, Cynthia
 Noyes, Richard
 Pratt, Katharin
 Rubin, George
 Smith, Arthur
 Sytek, Donna
 Welch, David

Battles, Marjorie
 Bove, Martin
 Coes, Betsy
 DiPietro, Carmela
 Dube, LeRoy
 Flanders, John, Sr.
 Hemenway, Thomas
 Kane, Cecelia
 Lee, Rebecca
 McKinney, Betsy
 O'Keefe, Patricia
 Pullman, Robert
 Schanda, Joseph, Pr.
 Stone, Joseph
 Sytek, John
 Weyler, Kenneth

Bell, Juanita
 Caswell, Albert, Jr.
 Cote, Charles
 Dowd, Sandra
 Felch, Charles, Sr.
 Gage, Beverly
 Hurst, Sharleene
 Katsakiores, George
 Lovejoy, Marian
 Miller, Don
 Packard, Sherman
 Putnam, Ed, II
 Senter, Merilyn
 Stritch, C. Donald
 Terninko, Margaret
 Williamson, William

STRAFFORD

Brown, George
 Dunlap, Patricia
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Sullivan, Henry
 Wall, Janet

Callaghan, Frank
 Gilmore, Gary
 Keans, Sandra
 McGrath, J. Gregory
 Pelletier, Marsha
 Torr, Ann
 Wasson, Richard

Chagnon, Ronald
 Hambrick, Patricia
 Knowles, William
 McKinley, Robert
 Snyder, Clair
 Torr, Franklin

Douglass, Clyde
 Hemon, Roland
 Loder, Suzanne
 Merrill, Amanda
 Spear, Barbara
 Torr, Ralph

SULLIVAN

Allison, David
Domini, Irene
Peyron, Fredrik

Behrens, Thomas
Flint, Gordon
Rodeschin, Beverly

Burling, Peter
Holl, Ann
Schotanus, Merle

Cloutier, John
Lindblade, Eric
Stamatakis, Carol

and the motion failed.
Report adopted.

SB 55, relative to accident and health insurance and health maintenance organizations.
OUGHT TO PASS

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: This bill establishes criteria for health maintenance organizations, which bring HMOs into conformity with commercial insurers and Blue Cross/Blue Shield in relation to return premiums and premium grace periods. It also establishes a non-contestability clause. This bill was requested by the Insurance Department. Vote 14-0.

Adopted.

SCR 1, in support of an intercity passenger rail system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fred A. Kruse for Transportation: This resolution expresses the desire of the Senate and House to encourage the development of alternative transportation methods for New Hampshire. Vote 15-0.

Amendment (2266B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

in support of alternative transportation.

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire is no longer served by and has no direct access to passenger rail systems; and

Whereas, the restoration of passenger rail service between the state of New Hampshire and other northeastern states is in the economic and cultural interest of the state and region; and

Whereas, the resumption and use of mass transportation offers the best hope to achieve measurable improvement in environmental quality; and

Whereas, the 21st century task force recommended restoration of passenger rail service, beginning with commuter rail extensions and supporting the cost effective mobility provided by local and intercity bus service; and

Whereas, the current proposal for the Boston to Portland corridor merits further consideration and that additional studies should be undertaken to identify population densities that would be suitable for other rail or mass transportation proposals; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the Senate and the House of Representatives declare it to be the official policy of the legislature to support and encourage the reestablishment of passenger rail service in New Hampshire as demand indicates; and

That the Senate and the House of Representatives also declare it to be the official policy of the legislature to support and encourage the establishment of local transit systems and intercity carriers where appropriate.

AMENDED ANALYSIS

This concurrent resolution declares it to be the official policy of the legislature to support and encourage the reestablishment of passenger rail service in New Hampshire and the establishment of local transit systems and intercity carriers where appropriate.

Adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of

bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 15, 1993 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 83, authorizing municipalities to adopt a property tax exemption for the totally and permanently disabled.

SB 85, relative to the composition of the wetlands board.

SB 55, relative to accident and health insurance and health maintenance organizations.

SCR 1, in support of alternative transportation.

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:45 p.m.

RECESS

Rep. Ann Torr moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 20

Thursday, April 15, 1993

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rabbi Ned Stoltz of Temple Beth Jacob in Concord.

God of all humanity we ask Your blessing upon this body and upon all of its members. Grant them strength and courage and determination and grant them wisdom. But, most importantly, grant them on this of all days where such important business comes before this body, business that impacts upon the welfare and the well being of every resident of the State of New Hampshire grant them that strength of resolve to convince and yet that openness and that willingness to be convinced so that this wonderful democratic process of this our entire country we have that ability to come together as a people, to come together as a State to bring about Your will, O God, upon this earth through these our elected representatives we ask Your blessing as we say Amen.

Rep. Kurk led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, McNerney, Record and Arthur Pelletier, the day, illness.

Reps. Moncrief, Richards, Smart, William Riley, Paquette, Crory, Ruth Gage, Edwin Smith, Guay, Allen, Paul White, Benjamin Moore, Gargiulo and Phyllis Katsakiores, the day, important business.

Reps. Sallada and Braiterman, the day, death in the family.

Reps. Marilyn Campbell and Marsha Pelletier, the day, illness in the family.

INTRODUCTION OF GUESTS

Nicholas Arnfelt, guest of Speaker Burns. Barbara Hauck, wife of Rep. Hauck. Norbert Scanlan, father of Rep. Scanlan. Barry Cox and Charity Cox, son-in-law and granddaughter of Rep. Joan Kane. Doris MacIntyre and Shelly Uscinzki, guests of the Merrimack Delegation.

EXTENSIONS

The Committee on Children, Youth and Juvenile Justice requested 14-calendar-day extensions on:

SB 218-FN, relative to the child protection act.

SB 210, relative to the division for children and youth services confidentiality statutes.

Granted.

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENT**

HB 494, establishing a joint committee on recodification of solid waste laws. (Amendment printed SJ 12, 4/1/93)

Rep. Scanlan moved that the House concur.

Adopted.

REGULAR CALENDAR

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994, and June 30, 1995. **OUGHT TO PASS WITH AMENDMENT**

Rep. Channing T. Brown for Appropriations: This bill contains the original budget with Committee adjustments to see the state through the biennium 1994-1995. Vote 19-3.

Amendment

The Amendment was printed in its entirety in House Record No. 52-A, April 14, 1993 and is made part of this Journal by reference.

Adopted.

Reps. Donna Sytek, Burling and Franklin Torr offered a floor amendment.

Floor Amendment (2407B)

Amend PAU 01, 04, 01, 02, 04 as inserted by section 1 of the bill as follows:

Strike out

01 General Government

04 Dept Administrative Services

01 Office of the Commissioner

02 Budget Office

04 Indigent Defenders

29 Transfers to Info. Services		28,000	28,000
90 Assigned Counsel	F	1,000,000	1,000,000
91 Public Defender Program	F	7,300,000	7,600,000
92 Contract Counsel	F	2,000,000	2,000,000
94 Ancillary Non-Counsel Services	F	700,000	700,000
Total		11,028,000	11,328,000
Estimated Source of Funds for Indigent Defenders			
General Fund		11,028,000	11,328,000
Total		11,028,000	11,328,000

Insert in place thereof:

01 General Government

04 Dept Administrative Services

01 Office of the Commissioner

02 Budget Office

04 Indigent Defenders

29 Transfers to Info. Services		28,000	28,000
90 Assigned Counsel	F	700,000	500,000
91 Public Defender Program	F	7,300,000	7,600,000
92 Contract Counsel	F	1,500,000	1,500,000
94 Ancillary Non-Counsel Services	F	500,000	400,000
Total		10,028,000	10,028,000
Estimated Source of Funds for Indigent Defenders			
General Fund		10,028,000	10,028,000
Total		10,028,000	10,028,000

Rep. Donna Sytek spoke in favor and yielded to questions.

Adopted.

Reps. Kurk and Morello spoke against the amended Committee report.

Rep. Domaingue spoke against and yielded to questions.

Reps. Nardi and Channing Brown spoke in favor.

Rep. Gross spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 254

NAYS 87

YEAS 254

BELKNAP

Bartlett, Gordon
Hauck, William
Turner, Robert

Cain, Thomas
Hawkins, Robert
Ziegler, Alice

Campbell, Richard, Jr.
Holbrook, Robert

Golden, Paul
Rosen, Ralph

CARROLL

Allard, Nanci
Foster, Robert
Wiggin, Allen

Beach, Mildred
Lyman, L. Randy

Cogswell, Richard
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

CHESHIRE

Avery, Stephen
Foster, Katherine

Bonneau, Sarah
Kingsbury, H. Thayer

Champagne, Richard
Lynch, Margaret

Cole, Stacey
Manning, Joseph

McGuirk, Paul
Perry, David
Royce, H. Charles

McNamara, Wanda
Pratt, Irene
Russell, Ronald

Metzger, Katherine
Richardson, Barbara

Pearson, Gertrude
Robertson, Timothy

COOS

Bradley, Paula
Mayhew, Josephine

Foss, Frederic
Merrill, Gerald

Harwell, Tyler
Pratt, Leighton

Horton, Lynn

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William
LaMott, Paul
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Eaton, Stephanie
Larson, Nils, Jr.
Teschner, Douglass

Below, Clifton
Chase, Paul, Jr.
Gordon, Edward
McIlwaine, Deborah
Trelfa, Richard

Brown, Alson
Copenhaver, Marion
Guest, Robert
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Andrews, Frederick
Bagley, Amy
Buckley, Raymond
Cote, David
Donovan, Francis
Dwyer, Patricia
Foster, Linda
Haettenschwiller, Alphonse
Holden, Carol
Johnson, Lionel
Laughlin, J. Francis
McCarty, Winston
Mittelman, David
O'Rourke, Joanne
Philbrook, Paula
Smith, Leonard
Upton, Barbara

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Lucien
Cepaitis, Elizabeth
Cowenhoven, Garret
Drabinowicz, A. Theresa
Dyer, Merton
Franks, Suzan
Hanselman, Gregory
Holley, Sylvia
Kelley, Dana
Lown, Elizabeth
McRae, Karen
Morrissette, Roland
Packard, Bonnie
Plourde, Alphonse
Soucy, Donna
Wells, Peter, Sr.

Ahrens, Frederick
Arnold, Thomas, Jr.
Bergeron, Normand
Chabot, Robert
Crotty, Edward
Drolet, Paul
Ferguson, Charles
Gagnon, Eugene
Hart, Nick
Jasper, Shawn
Kelley, Robert
Mason, Howard
Mercer, Robert
Murphy, Robert
Perkins, Paul
Reidy, Frank
Soucy, Richard
Wheeler, Robert

Amidon, Eleanor
Asselin, Robert
Bowers, Dorothy
Clemons, Jane
Dodge, Emma
Durham, Susan
Fields, Dennis
Gosselin, Gerald
Healy, Daniel
Jean, Claudette
Kirby, Thomas
McCann, Bonnie
Messier, Irene
Nardi, Theodora
Peters, Stanley
Sargent, Maxwell
Toomey, Kathryn
White, John

MERRIMACK

Apple, Lowell
Chandler, John
Fillion, Paul
Hall, Douglas
Johnson, Joyce May
Newland, Matthew
Teague, Bert
Whittemore, James

Buessing, Marjorie
Daneault, Gabriel
French, Barbara
Hill, Michael
Kidder, William
Owen, Derek
Wallner, Mary Jane
Willis, Jack

Carter, Susan
Dunn, Miriam
Gilbreth, Robert
Holmes, Mary
Lockwood, Robert
Rogers, Katherine
Ward, Jay
Yeaton, Charles

Chandler, Earle
Feuerstein, Martin
Gross, Caroline
Johnson, C. William
Moore, Carol
Soldati, Jennifer
Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
Clark, Martha
Crossman, Harold, Jr.
Drake, Herbert
Gage, Beverly
Hurst, Sharleene
Katsakiores, George
Malcolm, Kenneth
Newman, Rick
Rosencrantz, James

Caswell, Albert, Jr.
Coes, Betsy
DiPietro, Carmela
Felch, Charles, Sr.
Gorman, Donald
Johnson, Bill
Klemarczyk, Thaddeus
McGovern, Cynthia
O'Keefe, Patricia
Schanda, Joseph, Sr.

Chester, Sherman
Conroy, Janet
Dowd, Sandra
Flanagan, Natalie
Groves, Bonnie
Johnson, Robert
Klemm, Arthur, Jr.
McKinney, Betsy
Pantelakos, Laura
Senter, Marilyn

Christie, Andrew, Jr.
Cote, Patricia
Dowling, Patricia
Flanders, John, Sr.
Hemenway, Thomas
Kane, Cecelia
Lee, Rebecca
Miller, Don
Ritzo, Eugene
Skinner, Patricia

Splaine, James
Sytek, Donna
Yennaco, Carol

St. Martin, Tommy
Teminko, Margaret

Stritch, C. Donald
Vaughn, Charles

Syracusa, Anthony
Woods, Deborah

STRAFFORD

Callaghan, Frank
Gilmore, Gary
Kincaid, William
McKinley, Robert
Nehring, William
Spear, Barbara
Wall, Janet

Chagnon, Ronald
Hambrick, Patricia
Lundborn, Raymond
Merrill, Amanda
Pageotte, Donald
Sullivan, Henry
Wasson, Richard

Douglass, Clyde
Hemon, Roland
McCann, William, Jr.
Merritt, Deborah
Rogers, Rose Marie
Torr, Ann
Wheeler, Katherine

Dunlap, Patricia
Keans, Sandra
McGrath, J. Gregory
Musler, George
Snyder, Clair
Torr, Franklin

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine

Behrens, Thomas
Holl, Ann
Schotanus, Merle

Burling, Peter
Kane, Joan

Cloutier, John
Lindblade, Eric

NAYS 87 BELKNAP

Dewhirst, Glenn

Johnson, Carl

Lafam, Robert

Rice, Thomas, Jr.

CARROLL

Bradley, Jeb

Chandler, Gene

Mock, Henry

Wiggin, Gordon

CHESHIRE

DePecol, Benjamin

Delano, Robert

Hunt, John

Young, David

COOS

None

GRAFTON

Ham, Bonnie

Hill, Richard

Rose, William

HILLSBOROUGH

Borsa, Andrew
Desrosiers, William
Gervais, Glen
Jean, Loren
Lefebvre, Roland
Moore, Elizabeth
Riley, Frances
Turgeon, Roland

Burke, M. Virginia
Domaingue, Jacquelyn
Greenberg, Gary
Kurk, Neal
Lessard, Rudy
Morello, Michael
Rodgers, G. Philip
Vanderlosk, Stanley

Calawa, Leon, Jr.
Dykstra, Leona
Hall, Betty
L'Heureux, Robert
Lozeau, Donnalee
Pepino, Leo
Rothhaus, Finlay
Weergang, Alida

Daniels, Gary
Fenton, James
Hunter, Bruce
Leclerc, Charles
Milligan, Robert
Rheault, Lillian
Tate, Joan
Wright, George

MERRIMACK

Barberia, Richard
Nichols, Avis
Whalley, Michael

Houlahan, Thomas
Pfaff, Terence

Kennedy, Richard
Shaw, Randall

Langer, Ray
Stapleton, Henry

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Crum, William, Jr.
Lovejoy, Marian
Putnam, Ed, II
Stone, Joseph

Battles, Marjorie
Bove, Martin
Dube, LeRoy
Noyes, Richard
Raynowska, Bernard
Sytek, John

Beaulieu, Jon
Clark, Vivian
Fesh, Robert
Packard, Sherman
Rubin, George
Weyler, Kenneth

Blake, Daniel
Cote, Charles
Flanders, David
Pratt, Katharin
Smith, Arthur
Williamson, William

STRAFFORD

Brown, George
Vincent, Francis

Hilliard, Dana

Knowles, William

Torr, Ralph

SULLIVAN

Domini, Irene

Peyron, Fredrik

and the report was adopted.

Ordered to third reading.

Reps. Hashem, Martin, Salatiello and Linda Smith notified the Clerk they wished to be recorded in favor of the report.

Reps. Eaton and Gorman notified the Clerk that they inadvertently voted yea and meant to vote nay.

HB 2-FN, relative to state fees, funds, revenues and expenditures. OUGHT TO PASS WITH AMENDMENT

Rep. Channing T. Brown for Appropriations: This bill is the companion or trailer bill to HB 1-A, the biennial budget. It contains necessary statutory changes to allow HB 1-A to be executed appropriately. In addition, there is included Section 25 which deals with needed changes from the 1992 legislation (Chapter 289:56) to allow for the possibility of a new Superior Court facility and for plans to make such existing courthouse to be used as a district courthouse. Vote 18-1.

Amendment (2352B)

Amend the bill by replacing all after the enacting clause with the following:

1 Computation of Payment for Lost Taxes; Public Forest Lands. Amend 1991, 355:106, I to read as follows:

I. Add together the high and low value [in the highest range] of *the "all other" range of values* within the forest land category, as set by the current use advisory board pursuant to RSA 79-A, then divide by 2 to arrive at the per acre value;

2 Department of Safety Fees; Enforcement of Modular Building Standards. Amend RSA 205-C:6 to read as follows:

205-C:6 Fees. The department shall by rule establish fees to defray the costs of administering this chapter. Such rules shall specify fees for the certification of third party inspection agencies by the department; certification of manufacturing facilities by approved third party inspection agencies; and certification of modular buildings and building components by approved third party inspection agencies. *All fees collected by the department shall be deposited into the general fund.*

3 New Section; Requests for Appropriations From the Highway Fund.

Amend RSA 9 by inserting after section 4-c the following new section:

9:4-d Requests for Appropriations From the Highway Fund.

I. On or before October 1 prior to each biennial legislative session, all departments of the state and the judicial branch requesting appropriations from the highway fund shall transmit to the commissioner of administrative services, on blanks to be furnished by the commissioner, appropriate program measures which support the use of highway funds being requested. This data shall reflect the volume of activity within each PAU directly related to highway activity.

II. All departments of the state subject to paragraph I shall develop and implement a cost allocation plan and maintain such records as are necessary to support their expenditures of highway funds. These records shall include, but not be limited to, revising the integrated system of government cost accounting and financial reporting which accurately and systematically accounts for all expenditures of highway funds within budget and appropriations and from which it shall be possible to obtain accurate annual and interim financial statements and other reports which present fairly and with full disclosure the use of highway funds.

4 Pease Appropriation Extended. Amend 1992, 260:12 and 260:13 to read as follows:

260:12 Appropriation; Pease Development Authority. A sum not to exceed [\$3,800,000] **\$5,200,000** is appropriated to the Pease development authority for its operating budget for the fiscal year ending June 30, 1993 *and the fiscal year ending June 30, 1994*, upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee.

260:13 Pease Bonds Authorized. To provide funds for the appropriation made in section 12 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding [\$3,800,000] **\$5,200,000** and for said purpose may issue general obligation bonds or notes in

the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

5 Pease Development Authority to Submit Line Item Budget. As a condition for further financial support from the general fund, the Pease development authority shall submit a line item budget for each of its programs. If the Pease development authority determines that general fund support is necessary for fiscal year 1995, the Pease development authority board shall submit by February 1, 1994, a line item budget using the same budgetary format contained in the governor's budget manual.

6 Findings; Study Committee Established.

I.(a) In concluding its study during 1992, a legislative study committee, established by 1992, 100:1, found that it is economically feasible and a more efficient use of space to restore and rehabilitate buildings on the New Hampshire hospital grounds.

(b) During the 1992 study, the committee also concluded that:

(1) The grounds are blessed with numerous architectural treasures, some of which are vacant.

(2) Other buildings are not being put to the highest and best use, and many are occupied by departments which are remote from other buildings they should be near.

(3) In addition to preserving New Hampshire's architectural heritage, it is more economical in the long run to rehabilitate, reorganize and reuse the existing structures than to build new ones.

II. As a result of the committee's findings during its 1992 study, there is hereby established a committee which shall be authorized to:

(a) Oversee an engineering study to determine the cost, management, and direction that should be taken to define the future and direction of the New Hampshire state hospital grounds.

(b) Do a cultural resources inventory for all of the New Hampshire state hospital buildings and grounds to determine their historic value and to assign priorities for their importance.

(c) Do a physical inventory of all of the New Hampshire state hospital buildings and assign priorities for their reuse and type and cost of reuse.

(d) From the studies in subparagraphs (b) and (c) determine the maximum capacity of the New Hampshire state hospital grounds for use and subsequent parking traffic and utility requirements.

(e) Review all of the state office needs and match them to the available resources at the New Hampshire state hospital.

7 Membership. The committee shall consist of the following:

I. Two members of the house, appointed by the speaker of the house. One of the members shall be from the house public works committee and one shall have experience in construction or renovation.

II. Two members of the senate, appointed by the president of the senate. One of the members shall have experience in the field of business.

III. The commissioner of the department of health and human services, or designee.

IV. The commissioner of the department of cultural affairs, or designee.

V. The superintendent of the New Hampshire hospital.

VI. Two members of the general public, appointed by the governor. One member of the general public shall have professional experience in renovation and the other shall be an architect.

8 Initial Meeting. The committee shall hold its first meeting within 30 days of the effective date of this section. The committee shall choose a chairperson from among its members at the initial meeting of the committee.

9 Committee Report. The study committee shall submit a report on its findings, including recommendations for legislative or executive action, to the speaker of the house, president of the senate, and the governor no later than November 1, 1994.

10 Mileage. Legislative and state employee committee members shall receive mileage at their respective rates.

11 Appropriation. The sum of \$50,000 is hereby appropriated to the committee established in paragraph II of section 6 of this act for the fiscal year ending June 30, 1994, for the purpose of

completing the study authorized in section 6 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Study Required. The department of resources and economic development, with the prior approval of the capital budget overview committee, shall hire a consultant, to determine the best means to utilize the ski areas. The study shall include recommendations for the ski areas' future use and the economic impact to the region and state for each possible future use. The department shall submit the consultant's study to the governor, speaker of the house and senate president on or before September 1, 1994.

13 Appropriation. The sum of \$50,000 is appropriated to the department of resources and economic development for the fiscal year ending June 30, 1994, to hire a consultant as provided in section 12 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Skyhaven Hangar Bonds. Amend 1988, 152:2 as amended by 1992, 289:20 to read as follows:

152:2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$550,000 and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The bonds shall be [10-year] **20-year** bonds. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the Skyhaven hangar revenues, but the faith and credit of the state shall be pledged for the payment of the bonds.

15 Study Required; Eldercare Under the Division of Mental Health and Developmental Services.

I. A study of the services for older adults provided by the division of mental health and developmental services shall be conducted by the Dartmouth Medical School. The study shall include, but not be limited to, the future methodology for providing treatment and services to persons who are or who become eligible for the services currently provided by New Hampshire Hospital, the Glencliff home, and community mental health centers specifically examining:

- (a) Options for community services.
- (b) Consumer need and preferences.
- (c) Future residential care projections.
- (d) Costs and revenues of service alternatives.

II. A report on the findings of the study shall be submitted to the governor, speaker of the house, and president of the senate on or before November 1, 1994.

16 Rehiring; Medical and Health Care Coverage Continued; Laid Off State Employees. The provisions of 1990, 216:1, as amended by 1991, 4:10 and 355:103, relative to rehiring of laid off state employees, and 1990, 261:2, relative to continuing medical and health care coverage for laid off state employees, shall apply to any person laid off between July 1, 1993, and June 30, 1995, as a result of any state law. The head of each department or agency shall submit the names and classification of individuals laid off from July 1, 1993, to June 30, 1995, to the director of the division of personnel within 10 days of a layoff.

17 Dates for Transfer of URESA Functions and Files From County Attorneys to Division of Human Services Extended. Amend 1992, 249:11 to read as follows:

249:11 Transfer of Functions, Powers, Duties, Records and Property of County Attorneys to Division of Human Services.

I. A transition team consisting of the president of the Association of County Attorneys or designee, the director of the division of human services or designee, and a representative of the judicial council shall meet on a regular basis to assist in the effective and efficient transfer of all functions, powers, duties, records and property made necessary by this act from the county attorneys to the division of human services. The judicial council representative shall call the first meeting of the team prior to [July 1, 1993] **January 1, 1994**.

II. During the period beginning [July 1, 1993] **January 1, 1994**, and ending [January] **July 1, 1994**, the division of human services shall take necessary action to hire and train appropriate personnel to carry out the powers and duties assigned to the division under this act.

III. County attorneys shall remain responsible for a petition under RSA 546 which is pending as of [January] **July 1, 1994**, until an order is obtained or the division of human services, in its discretion, accepts responsibility for the case.

IV. The division of human services shall be responsible for all new URESA petitions and petitions for modification filed on or after [January] **July 1, 1994**.

V. No later than [January] **July 1, 1994**, county attorneys shall provide the division of human services with a list of all active cases, including any hearing dates scheduled in those cases.

VI. County attorneys shall maintain indefinitely all files closed prior to [January] **July 1, 1994**. The division shall have access to such files for the purpose of pursuing modifications, contempts, and enforcement activities.

VII. All files transferred to the division by the county attorneys shall contain at least the following documentation: all pleadings, federal URESA forms, court orders, completed child support guideline worksheets, financial affidavits for the obligor, and related notes and correspondence.

18 Removing Reference to Sweepstakes Races. Amend RSA 284:21-h, I(c) to read as follows:

(c) To conduct [both] pure lotteries [and horse or dog race or both sweepstakes] if the commission, with the approval of governor and council, shall determine that such program will best accomplish the purposes of this subdivision.

19 Reference to Sweepstakes Races Removed. Amend the introductory paragraph of RSA 284:21-h, II to read as follows:

II. Tickets for such pure lotteries [and sweepstakes races]:

20 Removing Reference to Sweepstakes Races. Amend RSA 284:21-i, II(a) to read as follows:

(a) Holding and conducting drawings [and sweepstakes races] and the sale of tickets for such drawings [and races];

21 Removing Reference to Sweepstakes Races. Amend RSA 284:21-i, II(c)(1) and (2) to read as follows:

(1) The price for which tickets for drawings [and sweepstakes races] shall be sold; not to exceed \$3 per ticket;

(2) The method by which tickets sold for drawings [and sweepstakes races] shall be determined to be winning tickets; andm

22 Removing References to Sweepstakes Races. Amend RSA 284:21-i, III to read as follows:

III. In establishing the money or prizes to be awarded the holders of winning tickets [and the purses for the horses or dogs or both], the sweepstakes commission shall be governed by the primary purpose of the sweepstakes, to raise revenue for the benefit of public education. They shall conduct such studies and make such investigation, either directly or through their agents, as will apprise them of prizes and money awarded to the holders of winning tickets in similar drawings wherever held. [They shall consider the size of purses for the horses or dogs or both as bearing on the question of gaining public confidence in the sweepstakes races.] They shall fix the prizes and amounts of money to be awarded winners [as well as the purses for the horses or dogs or both] in such manner as will yield the largest net revenue for the benefit of public education, bearing in mind the expenses to be incurred, and all other factors which tend to influence net revenue.

23 Repeal. The following are repealed:

I. RSA 284:21-h, I(b), relative to the authority of the sweepstakes commission to contract for sweepstakes races.

II. RSA 284:21-i, II(b), relative to fixing the purses for sweepstakes races.

24 Distribution of Moneys to Support Uncompensated Care; Commissioner to Report. Amend RSA 167:64, I(a) to read as follows:

(a) No less than 50 percent of the moneys paid into the fund shall be utilized to support uncompensated care in hospitals in accordance with rules adopted by the commissioner, pursuant to RSA 541-A. ***The commissioner shall submit a plan or modifications to such plan to distribute moneys to support uncompensated care under this paragraph and an estimate of the fiscal impact of such plan or modifications to such plan to the legislative fiscal committee for its approval.***

25 Plans; Renovations; Coos County Superior Court House. Amend 1992, 289:56 to read as follows:

289:56 Purpose; Coos County Superior Court House; Land Acquisition. The sum in 1991, 351:1, II, E, as amended by section 55 of this act, is appropriated to the department of administrative services for the land acquisition, design and construction documents *for a new superior court facility; and for* [,] handicapped access and safety code renovations to the existing courthouse and for [planning] *plans* to make such existing courthouse capable of being used as a district courthouse[, provided that handicapped access and safety code renovations shall have the highest priority and shall be completed before any other expenditures are made].

26 Effective Date.

I. Sections 1, 2, 6 - 11, 12, 13, 16 and 18 - 23 of this act shall take effect July 1, 1993.

II. Section 24 of this act shall take effect July 1, 1993, at 12:01 a.m.

III. Section 3 of this act shall take effect 60 days after its passage.

IV. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Makes a change in the computation of payment for lost taxes with regard to public forest lands.

(2) Requires the department of safety to deposit all fees collected for enforcement of state modular building standards into the general fund.

(3) Requires all departments of the state and the judicial branch to justify requests for highway funds.

(4) Extends and increases an appropriation to the Pease development authority for its operating budget. The bill requires the Pease development authority to submit a line item budget, as a condition for further financial support from the general fund.

(5) Establishes a committee to oversee a study to determine the cost, management, and direction that should be taken to define the future and direction of the New Hampshire state hospital buildings and grounds. The committee shall make a report of its findings, together with any proposed legislation, no later than November 1, 1994. The bill appropriates funds for the fiscal year ending June 30, 1994, to the general court for the purpose of contracting for and completing the study.

(6) Provides an appropriation to the department of resources and economic development to hire a consultant to determine the best uses for the state-owned ski areas.

(7) Changes the bonding amortization provisions for the design and construction of Skyhaven hangars.

(8) Requires the Dartmouth Medical School to conduct a study of the services for older adults provided by the division of mental health and developmental services.

(9) Requires certain procedures relative to rehiring of laid off state employees and continues health insurance coverage for laid off state employees.

(10) Extends by 6 months the dates established in 1992, 249:11 for transfer of functions and files related to URESA (Uniform Reciprocal Enforcement of Support Act) from the county attorneys to the division of human services.

(11) Removes the authority of the sweepstakes commission to conduct sweepstakes on horse or dog races.

(12) Requires the commissioner of health and human services to submit a plan or modifications to the plan to the fiscal committee on the distribution of moneys in the uncompensated care fund.

(13) Makes certain changes in the purpose of an appropriation made in 1992 for a new Coos county superior courthouse and renovation of the existing courthouse as a district courthouse.

Adopted.

Report adopted and ordered to third reading.

SPECIAL ORDER

Hearing no objection, the Speaker made **HB 653**, relative to the practice of optometry a Special Order to be the first order of business at 1:00 p.m. today.

REGULAR CALENDAR (Cont'd.)

HB 427-FN, relative to the cost of living increases in the AFDC payment standard. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Dowling for Appropriations: Testimony revealed that no payment increments for this program have been approved since 1989, though living expenses have increased. The remaining three assistance programs — Aid to the Needy Blind, Old Age Assistance, and Aid to the Permanently and Totally Disabled — have all received 5% annual increases. Vote 16-6.

Amendment (2176B)

Amend the bill by replacing all after section 1 with the following:

2 Implementation. The first annual cost of living increase in the AFDC payment standard as provided in this act shall be implemented in July, 1993, and shall be equal to the annual increase in the standard of need for the period of July, 1992 through June, 1993.

3 Effective Date. This act shall take effect July 1, 1993.

Adopted.

Report adopted and ordered to third reading.

HB 455-FN, increasing the funds available for prevention programs from 5 percent to 10 percent of the appropriation to the division for children and youth services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: This bill as amended provides a definition of placement, clarifies a much debated issue as to what lines in the budget will be used when calculating the Diversion Funds, and sets the percentage to 6% in FY95 and thereafter. The Appropriations Committee has placed in the budget a full 5% (\$1.46 mil.) for 1994 and 6% (\$1.76 mil.) for 1995. This will provide increased Diversion funds to the counties to be used for local programs. Vote 22-0.

Amendment (2177B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the funds available for prevention programs from not less than 5 percent to not less than 6 percent of the appropriation in each fiscal year after 1994, to the division for children and youth services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; "Placement Cost" Defined. Amend RSA 170-G:1 by inserting after paragraph VI the following new paragraph:

VII. "Placement cost" means the amount appropriated for adoption subsidies, foster homes, foster care, and residential services including group homes, but not including the youth development center or the youth services center.

2 Funding Increased. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated *in fiscal year 1994 and not less than 6 percent* in each fiscal year *thereafter*, to the division for children and youth services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the director. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

3 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill increases the funds available for prevention programs from not less than 5 percent to not less than 6 percent of the appropriation in each fiscal year after 1994 to the division for children and youth services.

Adopted.

Report adopted and ordered to third reading.

HB 613-FN, requiring the director of the division of human services to adopt rules changing how earned income is calculated for people who receive aid to the permanently and totally disabled to be consistent with federal law. **OUGHT TO PASS**

Rep. Jacquelyn M. Domaigne for Appropriations: In testimony before the Committee, two things became clear: (1) that the state of New Hampshire encourages those "permanently and totally disabled" to enter the workforce via its education programs offered through the Division of Vocational Rehabilitation (paid for by the state); and (2) that the state then penalizes those same people by limiting their monthly income from employment to \$50.00. Should they choose to keep more than \$50.00 worth of earned income, the state eliminates their benefits. This bill allows individuals with disabilities who do not now enter the workforce (for fear of losing their APTD eligibility) to do so. It represents an increased cost to both the state and the counties of \$238,230 in FY 94 and \$250,500 in FY 95. Vote 19-3.

Rep. Douglas Hall yielded to questions.

Rep. David Young spoke against.

Reps. Domaigne and Douglas Hall spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 291

NAYS 58

YEAS 291

BELKNAP

Bartlett, Gordon	Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul
Hauck, William	Hawkins, Robert	Holbrook, Robert	Lafam, Robert
Rosen, Ralph	Salatiello, Thomas	Smith, Linda	Turner, Robert
Ziegler, Alice			

CARROLL

Beach, Mildred	Cogswell, Richard	Dickinson, Howard, Jr.	Foster, Robert
Lyman, L. Randy	Saunders, Howard	Wiggin, Allen	

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Cole, Stacey	DePecol, Benjamin	Delano, Robert	Foster, Katherine
Hunt, John	Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude
Perry, David	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Russell, Ronald		

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Harwell, Tyler
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Wiswell, James	

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Brown, Patricia	Chase, Paul, Jr.	Copenhaver, Marion
Driscoll, William	Eaton, Stephanie	Guest, Robert	Ham, Bonnie
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	McIlwaine, Deborah
Nordgren, Sharon	Rose, William	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick	Amidon, Eleanor
Arnold, Barbara	Asselin, Robert	Bagley, Amy	Bergeron, Norman
Bowers, Dorothy	Buckley, Raymond	Burke, M. Virginia	Cepaitis, Elizabeth
Chabot, Robert	Clemons, Jane	Cote, David	Cowenhoven, Garret
Crotty, Edward	Daigle, Robert	Dodge, Emma	Domaigne, Jacquelyn

Drabinowicz, A. Theresa
 Dyer, Merton
 Fields, Dennis
 Gosselin, Gerald
 Hanselman, Gregory
 Hunter, Bruce
 Kelley, Dana
 Laughlin, J. Francis
 Mason, Howard
 Mercer, Robert
 Morello, Michael
 Packard, Bonnie
 Plourde, Alphonse
 Sargent, Maxwell
 Tate, Joan
 Wells, Peter, Sr.

Drolet, Paul
 Dykstra, Leona
 Foster, Linda
 Greenberg, Gary
 Hart, Nick
 Jasper, Shawn
 Kelley, Robert
 Leclerc, Charles
 McCann, Bonnie
 Messier, Irene
 Morrissette, Roland
 Perkins, Paul
 Reidy, Frank
 Searles, Stanley, Sr.
 Toomey, Kathryn
 Wheeler, Robert

Durham, Susan
 Fenton, James
 Gagnon, Eugene
 Haettenschwiller, Alphonse
 Holden, Carol
 Jean, Claudette
 Kirby, Thomas
 Lown, Elizabeth
 McCarty, Winston
 Mittelman, David
 Nardi, Theodora
 Peters, Stanley
 Rheault, Lillian
 Soucy, Donna
 Turgeon, Roland
 White, John

Dwyer, Patricia
 Ferguson, Charles
 Gervais, Glen
 Hall, Betty
 Holley, Sylvia
 Johnson, Lionel
 Lachut, Ervin
 Martin, Mary Ellen
 McRae, Karen
 Moore, Elizabeth
 O'Rourke, Joanne
 Philbrook, Paula
 Rodgers, G. Philip
 Soucy, Richard
 Vanderlosk, Stanley
 Wright, George

MERRIMACK

Apple, Lowell
 Daneault, Gabriel
 French, Barbara
 Hill, Michael
 Johnson, Joyce May
 Moore, Carol
 Pfaff, Terence
 Walner, Mary Jane
 Yeaton, Charles

Barberia, Richard
 Dunn, Miriam
 Gilbreth, Robert
 Holmes, Mary
 Kennedy, Richard
 Newland, Matthew
 Rogers, Katherine
 Weeks, John, Jr.

Buessing, Marjorie
 Feuerstein, Martin
 Gross, Caroline
 Houlahan, Thomas
 Kidder, William
 Nichols, Avis
 Soldati, Jennifer
 Whalley, Michael

Carter, Susan
 Fillion, Paul
 Hall, Douglas
 Johnson, C. William
 Lockwood, Robert
 Owen, Derek
 Teague, Bert
 Willis, Jack

ROCKINGHAM

Arndt, Janet
 Boucher, William
 Christie, Andrew, Jr.
 DiPietro, Carmela
 Dube, LeRoy
 Flanders, David
 Groves, Bonnie
 Kane, Cecelia
 Malcolm, Kenneth
 Newman, Rick
 Pratt, Katharin
 Rosencrantz, James
 Simon, Peter
 Stone, Joseph
 Sytek, John
 Weyler, Kenneth

Battles, Marjorie
 Bove, Martin
 Clark, Martha
 Dowd, Sandra
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Hemenway, Thomas
 Katsakiores, George
 McGovern, Cynthia
 Noyes, Richard
 Putnam, Ed, II
 Rubin, George
 Skinner, Patricia
 Stritch, C. Donald
 Terninko, Margaret
 Williamson, William

Bell, Juanita
 Caswell, Albert, Jr.
 Coes, Betsy
 Dowling, Patricia
 Fesh, Robert
 Gage, Beverly
 Hurst, Sharleene
 Klemarczyk, Thaddeus
 McKinney, Betsy
 O'Keefe, Patricia
 Raynowska, Bernard
 Schanda, Joseph, Sr.
 Splaine, James
 Syracusa, Anthony
 Vaughn, Charles
 Woods, Deborah

Blake, Daniel
 Chester, Sherman
 Cote, Patricia
 Drake, Herbert
 Flanagan, Natalie
 Gorman, Donald
 Johnson, Robert
 Klemm, Arthur, Jr.
 Miller, Don
 Pantelakos, Laura
 Ritzo, Eugene
 Senter, Merilyn
 St. Martin, Tommy
 Sytek, Donna
 Warburton, Calvin
 Yennaco, Carol

STRAFFORD

Callaghan, Frank
 Hemon, Roland
 McCann, William, Jr.
 Nehring, William
 Sullivan, Henry
 Wheeler, Katherine

Dunlap, Patricia
 Hilliard, Dana
 Merrill, Amanda
 Pageotte, Donald
 Torr, Ann

Gilmore, Gary
 Keans, Sandra
 Merritt, Deborah
 Rogers, Rose Marie
 Wall, Janet

Hambrick, Patricia
 Lundborn, Raymond
 Musler, George
 Snyder, Clair
 Wasson, Richard

SULLIVAN

Allison, David
 Domini, Irene
 Lindblade, Eric
 Schotanus, Merle

Behrens, Thomas
 Flint, Gordon
 Palmer, Lorraine

Burling, Peter
 Holl, Ann
 Peyron, Fredrik

Cloutier, John
 Kane, Joan
 Rodeschin, Beverly

**NAYS 58
BELKNAP**

Dewhirst, Glenn	Johnson, Carl	Lawton, David	Rice, Thomas, Jr.
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CARROLL

Allard, Nanci	Mock, Henry	Philbrick, Donald	Wiggin, Gordon
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CHESHIRE

Young, David

COOS

None

GRAFTON

Gordon, Edward

HILLSBOROUGH

Andrews, Frederick	Arnold, Thomas, Jr.	Borsa, Andrew	Calawa, Leon, Jr.
Daniels, Gary	Desrosiers, William	Donovan, Francis	Franks, Suzan
Jean, Loren	Kurk, Neal	L'Heureux, Robert	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	Milligan, Robert	Murphy, Robert
Pepino, Leo	Riley, Frances	Rothhaus, Finlay	Upton, Barbara
Weergang, Alida			

MERRIMACK

Chandler, Earle	Chandler, John	Langer, Ray	Shaw, Randall
Stapleton, Henry	Whittemore, James		

ROCKINGHAM

Aranda, M. Kathryn	Beaulieu, Jon	Clark, Vivian	Cote, Charles
Crossman, Harold, Jr.	Crum, William, Jr.	Lee, Rebecca	Packard, Sherman
Pullman, Robert	Smith, Arthur		

STRAFFORD

Brown, George	Chagnon, Ronald	Douglass, Clyde	Knowles, William
McGrath, J. Gregory	McKinley, Robert	Spear, Barbara	Torr, Franklin
Torr, Ralph	Vincent, Francis		

SULLIVAN

Stamatakis, Carol

and the report was adopted.
Ordered to third reading.

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: This bill substitutes the federal social security definitions of "disability" and "substantial gainful activity" for the state's more restrictive definitions, thus joining 48 other states. It will provide 500 disabled individuals small welfare benefits averaging \$29 per month. 98% of the cost, however, is in providing Medicaid coverage for the hospital, prescription drug, and other medical costs for these individuals. The general fund cost is \$2.7 million in FY94 and \$2.8 million in FY95. Given the state's dependence on Medicaid funds, this small expansion in Medicaid eligibility seemed to be one place where the funds could be used for the original Medicaid purpose. The amendment makes this change take effect October 1, 1993. Vote 20-2.

Amendment (2321B)

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect October 1, 1993.
Adopted.
Report adopted and ordered to third reading.

HB 676-FN-L, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services. RE-REFER TO COMMITTEE

Rep. Betty B. Hall for Environment and Agriculture: With the concurrence of the sponsor, we recommend readopting our original recommendation of re-refer to the Environment and Agriculture Committee so we can study this bill further. It was not possible for us to complete our work while it was recommitted to the Committee. Vote 14-0.

Adopted.

(RECESS)

(Speaker Burns in the Chair)

SPECIAL ORDER

HB 653, relative to the practice of optometry. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was referred to the committee, after study by the Health, Human Services and Elderly Affairs committee. This committee held many public hearings and work sessions on the change of practice of optometry and amended the bill to change the formulary board and increase the scope of practice. This bill does not allow the treatment of sight threatening diseases, such as glaucoma, by optometrists. This care is best left in the hands of the medical specialist of eye diseases, the ophthalmologist. This bill also increases the continuing education requirements of optometrists. Vote 12-0.

Rep. Gross moved that the words Ought to Pass be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Adopted.

The Committee offered a floor amendment.

Floor Amendment (2395B)

Amend the bill by replacing all after section 7 with the following:

8 Definitions. RSA 327:1 is repealed and reenacted to read as follows:

327:1 Definitions. In this chapter:

I. "Board" means the board of registration in optometry.

II. "Dispensing pharmaceutical agents" means that a licensed optometrist authorized to use pharmaceutical agents may dispense a pharmaceutical agent to a patient if no charge is imposed for the pharmaceutical agent and the amount dispensed does not exceed a 24-hour supply, except that if the minimum available quantity for dispensing is greater than a 24-hour supply, the optometrist may dispense the minimum available quantity.

III. "Pharmaceutical agent" means the following pharmaceutical products:

(a) Non-legend, over the counter, agents.

(b) Mydriatic, cycloplegic and miotic agents which are topically applied.

(c) Antibiotics and sulfonamides which are topically applied or orally administered to treat or alleviate the effects of disease or abnormal conditions of the human eye, adnexa, and eyelids, excluding treatment of the lacrimal drainage system, the lacrimal gland, or structures posterior to the iris, approved by the joint pharmaceutical formulary board and included in the formulary.

(d) Antihistamines, decongestants and mast-cell stabilizers which are topically applied.

(e) Anesthetics and dyes which are topically applied.

(f) Ocular lubricants, hypertonic agents which are topically applied.

(g) Orally administered analgesic agents used for the purpose of alleviating pain caused by a disease or abnormal condition of the human eye or eyelid, excluding treatment of the lacrimal drainage system, the lacrimal gland, or structures posterior to the iris. This may include class III and IV controlled substances approved by the joint pharmaceutical formulary board and included in the formulary.

(h) Other diagnostic agents approved by the joint pharmaceutical formulary board.

IV. "Practice of optometry" means the employment of any methods or means, other than surgery, for the:

(a) Diagnosis and treatment of any optical defect, deficiency, deformity, or disease of the human eye, adnexa and eyelids.

(b) Diagnosis and treatment of visual or muscular anomaly of the visual system.

(c) Adaptation or prescribing of spectacle lenses, contact lenses, prisms or ocular exercises for the correction, relief or aid of the visual functions.

(d) Prescribing, administering or dispensing of pharmaceutical agents.

V. "Prescription of pharmaceutical agents" means a written or oral direction to dispense a pharmaceutical agent, including inscription, subscription, transcription, and renewal.

VI. "Surgery" means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical means. Surgical procedures shall include the use of lasers for therapeutic purposes, ionizing radiation, therapeutic ultrasound, or medication administered by injection; but it shall not include the application or removal of FDA-approved medical devices including, but not limited to, contact lenses and punctal plugs and the removal of superficial foreign bodies from the eye, adnexa and eyelids.

9 Requirements to Use Pharmaceutical Agents. RSA 327:6-a is repealed and reenacted to read as follows:

327:6-a Requirements; Authorization.

I. Only licensed optometrists who have successfully completed examinations on pharmacological substances and other treatments of diseases of the eye, adnexa and eyelids, who have met acceptable standards of education and professional competence as determined by the board, and who hold current certification in cardiopulmonary resuscitation (CPR), shall be authorized to use pharmaceutical agents in the practice of optometry.

II. An optometrist licensed to practice optometry prior to January 1, 1993, shall complete a post-graduate course of study approved by the board covering the subjects of ocular pharmacology and the treatment and management of eye diseases and shall pass an examination administered by the National Board of Examiners in Optometry or its successor and approved by the board. Every optometrist licensed to practice optometry after January 1, 1993, shall pass an examination administered by the National Board of Examiners in Optometry or its successor and approved by the board. To meet the requirements of this section, an approved course shall be given by an accredited school or college of optometry in the United States and shall consist of a minimum of 105 hours, of which a minimum of 25 hours shall be in direct clinical training. The board shall adopt rules, under RSA 541-A, to carry out the provisions of this section and to insure the safety of the public.

III. Notwithstanding any other provision of law, any licensed pharmacist is authorized to fill prescriptions issued by optometrists for pharmaceutical agents authorized under this chapter and included in the approved formulary.

IV. Nothing in this section shall be construed to permit an optometrist to administer any pharmaceutical product by intravenous injection; or to administer, prescribe or dispense any pharmaceutical product designated as a category 1 or 2 controlled substance defined by the United States Controlled Substances Act of 1970, as amended; or to administer, prescribe or dispense any pharmaceutical product except for the diagnosis or treatment of disease or conditions of the human eye, adnexa or eyelids.

V. Notwithstanding any other provision of law, an optometrist who is certified to use pharmaceutical agents in the practice of optometry shall be permitted to administer diphenhydramine, epinephrine or an equivalent medication to counter anaphylaxis or anaphylactic reaction.

10 Joint Pharmaceutical Board Revised. Amend RSA 327:6-b to read as follows:

327:6-b Joint Pharmaceutical Formulary Board.

I. The joint pharmaceutical formulary board shall consist of [7] *the following* members [as follows]: [2] 3 optometrists licensed [and qualified] *under RSA 327, including RSA 327:6-a*, to practice optometry in the state of New Hampshire [under RSA 327], *one of whom teaches at a college of optometry, one of whom serves on the board of registration in optometry, and one who is authorized to use pharmaceutical agents*; [2 physicians] *one ophthalmologist* licensed [and qualified] *under RSA 329* to practice [as ophthalmologists] in the state of New Hampshire; [one pharmacologist practicing in the state of New Hampshire; one pharmacist] *one physician licensed under RSA 329 who specializes in internal medicine and who practices in the state of New Hampshire; and 2 pharmacists* licensed *under RSA 318* and *actively* practicing in the state

of New Hampshire, *one of whom shall be a member of the board of pharmacy*; and one dentist licensed in the state of New Hampshire who shall be the public member of said board]. [Members of the initial board shall serve for staggered terms of 2, 3, and 4 years. Of the initial board, 2 shall serve for 2 years, 3 shall serve for 3 years and 2 shall serve for 4 years. All subsequent Members [appointed] shall serve terms of 5 years and shall not be eligible for a second consecutive term. Recommendations for appointment shall be made to the governor [and shall be subject to confirmation by the executive council. The optometric, physician, and pharmacy members shall be recommended] by [their] *the* respective professional associations. [The dentist as public representative and the pharmacologist shall be nominated directly by the governor. The dentist shall serve as chairperson of the joint pharmaceutical formulary board.] All members shall be residents of the state of New Hampshire. Neither they nor their spouses shall have any material financial interest in the provision of eye care services other than that which is directly [connected] related to the practice of their professions. All members shall be nominated and confirmed by the governor and council.

II. The board shall meet not less than every 3 months to discuss matters pertinent to the therapeutic optometrists formulary. Matters to be brought before the board shall be filed in writing with the chairperson at least 30 days prior to the scheduled meeting. Any request on the agenda not acted upon or which has not received a final decision must be decided within 6 months or the request shall be deemed granted. Each of the licensing boards represented on the joint pharmaceutical formulary board may submit items to be assigned to the agenda for consideration.

III. Violations of this section shall be reported in writing to the *board of pharmacy and to the* board of registration in optometry, which shall investigate alleged violations and take disciplinary actions as appropriate under [the powers granted under] RSA 327:20. The joint pharmaceutical formulary board shall be apprised of all reported violations of this section and shall receive copies of all reports, findings, and disciplinary action taken. The use of any pharmaceutical [agent] *agents by an optometrist not authorized under RSA 327:6-a or*, other than those [approved for diagnostic purposes or for other than diagnostic purposes] *agents described in RSA 327:1 or those approved by the formulary board* shall be considered a violation of RSA 327:20.

11 New Sections; Continuing Education Courses Required For Pharmaceutical Certification. Amend RSA 327 by inserting after section 33 the following new sections:

327:33-a Continuing Education Courses Required For Pharmaceutical Certification. An optometrist certified to use pharmaceutical agents in the practice of optometry shall complete a minimum of 150 hours of continuing education every 3 years in order to maintain his pharmaceutical certification. At least 60 of these hours shall be in courses approved and supervised by the board. The remaining hours shall be in independent study activities authorized by the board. Each optometrist shall report continuing education hours to the board annually in accordance with rules adopted by the board for the implementation of this section. These continuing education courses and activities shall satisfy the requirements of RSA 327:33.

327:33-b Consumer Publication. The board of optometry shall develop a consumer publication that contains the information necessary to educate consumers regarding optical services and products, the services available from the optometrist authorized to use therapeutics to treat eye conditions, and the services available from other optometrists. The board shall supply reasonable quantities of this publication at no charge to all licensed practitioners.

12 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill redefines terms and specifies those optometrists who shall be authorized to use pharmaceutical agents in the practice of optometry. It also includes optometrists as a profession subject to the Controlled Drug Act, and defines the relationship of optometrists with pharmacists and pharmacies.

This bill specifies those pharmaceutical products which optometrists may be authorized to use, and sets forth the necessary criteria for such authorization. Performance of certain treatments and diagnostic or surgical procedures are specifically prohibited.

Rep. Dowd spoke in favor.

Reps. Dunn, Sargent, Bove and Lozeau spoke against.

Reps. Dyer, Elizabeth Moore and Ward spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee amendment.

YEAS 140**NAYS 225****YEAS 140****BELKNAP**

Campbell, Richard, Jr.
Rice, Thomas, Jr.

Golden, Paul
Turner, Robert

Hauck, William
Ziegra, Alice

Holbrook, Robert

CARROLL

Beach, Mildred
Lyman, L. Randy

Chandler, Gene
Philbrick, Donald

Cogswell, Richard
Saunders, Howard

Foster, Robert
Wiggin, Allen

CHESHIRE

Avery, Stephen
McNamara, Wanda

Champagne, Richard
Pearson, Gertrude

Cole, Stacey
Perry, David

Foster, Katherine
Royce, H. Charles

COOS

Foss, Frederic

Pratt, Leighton

GRAFTON

Adams, Carl
Dow, David
Rose, William
Ward, Kathleen

Bean, Pamela
Driscoll, William
Scanlan, David

Brown, Channing
Eaton, Stephanie
Trelfa, Richard

Brown, Patricia
Hill, Richard
Wadsworth, Karen

HILLSBOROUGH

Andrews, Frederick
Bowers, Dorothy
Dodge, Emma
Ferguson, Charles
Holley, Sylvia
Kelley, Robert
Mason, Howard
Mittelman, David
Peters, Stanley
Smith, Leonard
White, John

Arnold, Barbara
Cepaitis, Elizabeth
Domaingue, Jacquelyn
Franks, Suzan
Jasper, Shawn
Kurk, Neal
McCarty, Winston
Moore, Elizabeth
Rheault, Lillian
Upton, Barbara

Arnold, Thomas, Jr.
Cowenhoven, Garret
Durham, Susan
Healy, Daniel
Jean, Loren
Lachut, Ervin
McRae, Karen
Morello, Michael
Rodgers, G. Philip
Vanderlosk, Stanley

Borsa, Andrew
Daniels, Gary
Dyer, Merton
Holden, Carol
Kelley, Dana
Lefebvre, Roland
Messier, Irene
Packard, Bonnie
Searles, Stanley, Sr.
Weergang, Alida

MERRIMACK

Buessing, Marjorie
Johnson, C. William
Nichols, Avis
Whittemore, James

Carter, Susan
Kidder, William
Shaw, Randall
Willis, Jack

Fillion, Paul
Langer, Ray
Weeks, John, Jr.

Gross, Caroline
Lockwood, Robert
Whalley, Michael

ROCKINGHAM

Arndt, Janet
Crum, William, Jr.
Flanagan, Natalie
Johnson, Robert
Lovejoy, Marian
Pratt, Katharin
Schanda, Joseph, Sr.
Sytek, Donna

Chester, Sherman
Dowd, Sandra
Flanders, David
Katsakiores, George
McKinney, Betsy
Pullman, Robert
Simon, Peter
Sytek, John

Clark, Vivian
Dube, LeRoy
Flanders, John, Sr.
Klemarczyk, Thaddeus
Miller, Don
Putnam, Ed, II
Skinner, Patricia
Weyler, Kenneth

Conroy, Janet
Fesh, Robert
Hemenway, Thomas
Kruse, Fred
Noyes, Richard
Rubin, George
Stritch, C. Donald
Woods, Deborah

STRAFFORD

Dunlap, Patricia
Spear, Barbara
Wasson, Richard

Kincaid, William
Torr, Ann

McKinley, Robert
Torr, Franklin

Musler, George
Torr, Ralph

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Flint, Gordon

Holl, Ann

NAYS 225**BELKNAP**

Bartlett, Gordon
Johnson, Carl
Salatiello, Thomas

Cain, Thomas
Lafiam, Robert
Smith, Linda

Dewhirst, Glenn
Lawton, David

Hawkins, Robert
Rosen, Ralph

CARROLL

Allard, Nanci
Wiggin, Gordon

Bradley, Jeb

Dickinson, Howard, Jr.

Mock, Henry

CHESHIRE

Bonneau, Sarah
Hunt, John
McGuirk, Paul
Robertson, Timothy

Burnham, Daniel
Kingsbury, H. Thayer
Metzger, Katherine
Russell, Ronald

DePecol, Benjamin
Lynch, Margaret
Pratt, Irene
Young, David

Delano, Robert
Manning, Joseph
Richardson, Barbara

COOS

Bradley, Paula
Horton, Lynn
Wiswell, James

Coulombe, Henry
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Below, Clifton
Gordon, Edward
Larson, Nils, Jr.

Brown, Alson
Guest, Robert
McIlwaine, Deborah

Chase, Paul, Jr.
Ham, Bonnie
Nordgren, Sharon

Copenhaver, Marion
LaMott, Paul
Teschner, Douglass

HILLSBOROUGH

Ahem, Richard
Asselin, Robert
Buckley, Raymond
Clemons, Jane
Desrosiers, William
Dwyer, Patricia
Foster, Linda
Haettenschwiller, Alphonse
Holt, David
Johnson, Lionel
Leclerc, Charles
Martin, Mary Ellen
Morrissette, Roland
Pepino, Leo
Reidy, Frank
Soucy, Donna
Turgeon, Roland

Ahlgren, Madelyn
Bagley, Amy
Burke, M. Virginia
Cote, David
Donovan, Francis
Dykstra, Leona
Gagnon, Eugene
Hall, Betty
Holt, Mark
Kirby, Thomas
Lessard, Rudy
McCann, Bonnie
Murphy, Robert
Perkins, Paul
Riley, Frances
Soucy, Richard
Wells, Peter, Sr.

Ahrens, Frederick
Bergeron, Lucien
Calawa, Leon, Jr.
Crotty, Edward
Drabinowicz, A. Theresa
Fenton, James
Gosselin, Gerald
Hanselman, Gregory
Hunter, Bruce
L'Heureux, Robert
Lown, Elizabeth
Mercer, Robert
Nardi, Theodora
Philbrook, Paula
Rothhaus, Finlay
Tate, Joan
Wheeler, Robert

Amidon, Eleanor
Bergeron, Normand
Chabot, Robert
Daigle, Robert
Drolet, Paul
Fields, Dennis
Greenberg, Gary
Hart, Nick
Jean, Claudette
Laughlin, J. Francis
Lozeau, Donnalee
Milligan, Robert
O'Rourke, Joanne
Plourde, Alphonse
Sargent, Maxwell
Toomey, Kathryn
Wright, George

MERRIMACK

Apple, Lowell
Daneault, Gabriel
Gilbreth, Robert

Barberia, Richard
Dunn, Miriam
Hall, Douglas

Chandler, Earle
Feuerstein, Martin
Hill, Michael

Chandler, John
French, Barbara
Holmes, Mary

Houlahan, Thomas
Newland, Matthew
Rogers, Katherine
Trombly, Rick

Johnson, Joyce May
Owen, Derek
Soldati, Jennifer
Wallner, Mary Jane

Kennedy, Richard
Pfaff, Terence
Stapleton, Henry
Ward, Jay

Moore, Carol
Regan, Maurice
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Christie, Andrew, Jr.
Cote, Patricia
Felch, Charles, Sr.
Hurst, Sharleene
Lee, Rebecca
O'Keefe, Patricia
Ritzo, Eugene
Splaine, James
Teminko, Margaret

Battles, Marjorie
Bove, Martin
Clark, Martha
Crossman, Harold, Jr.
Gage, Beverly
Johnson, Bill
Malcolm, Kenneth
Packard, Sherman
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles

Beaulieu, Jon
Campbell, Marilyn
Coes, Betsy
Dowling, Patricia
Gorman, Donald
Kane, Cecelia
McGovern, Cynthia
Pantelakos, Laura
Senter, Marilyn
Stone, Joseph
Welch, David

Bell, Juanita
Caswell, Albert, Jr.
Cote, Charles
Drake, Herbert
Groves, Bonnie
Klemm, Arthur, Jr.
Newman, Rick
Raynowska, Bernard
Smith, Arthur
Syracusa, Anthony
Williamson, William

STRAFFORD

Brown, George
Gillmore, Gary
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Rogers, Rose Marie
Wall, Janet

Callaghan, Frank
Hambrick, Patricia
Keans, Sandra
McCann, William, Jr.
Nehring, William
Snyder, Clair
Wheeler, Katherine

Chagnon, Ronald
Hashem, Elaine
Knowles, William
McGrath, J. Gregory
O'Brien, John
Sullivan, Henry

Douglass, Clyde
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pageotte, Donald
Vincent, Francis

SULLIVAN

Allison, David
Lindblade, Eric

Burling, Peter
Palmer, Lorraine

Cloutier, John
Schotanus, Merle

Kane, Joan
Stamatakis, Carol

and the amendment failed.

Reps. McGovern and Wells offered a floor amendment.

Floor Amendment (2405B)

Amend the bill by replacing all after section 7 with the following:

8 Definitions. RSA 327:1 is repealed and reenacted to read as follows:

327:1 Definitions. In this chapter:

I. "Board" means the board of registration in optometry.

II. "Dispensing pharmaceutical agents" means that a licensed optometrist authorized to use pharmaceutical agents may dispense a pharmaceutical agent to a patient if no charge is imposed for the pharmaceutical agent and the amount dispensed does not exceed a 24-hour supply, except that if the minimum available quantity for dispensing is greater than a 24-hour supply, the optometrist may dispense the minimum available quantity.

III. "Pharmaceutical agent" means the following pharmaceutical products:

(a) Non-legend, over the counter, agents.

(b) Mydriatic, cycloplegic and miotic agents which are topically applied.

(c) Antibiotics and combinations, and sulfonamides and combinations, which are topically applied or orally administered to treat or alleviate the effects of disease or abnormal conditions of the human eye, adnexa, and eyelids, excluding treatment of the lacrimal drainage system, the lacrimal gland, or structures posterior to the iris, approved by the joint pharmaceutical formulary board and included in the formulary.

(d) Antihistamines, decongestants and mast-cell stabilizers which are topically applied.

(e) Anesthetics and dyes which are topically applied.

(f) Ocular lubricants, hypertonic agents which are topically applied.

(g) Orally administered analgesic agents used for the purpose of alleviating pain caused by a disease or abnormal condition of the human eye or eyelid, excluding treatment of the

lacrimal drainage system, the lacrimal gland, or structures posterior to the iris. This may include class III and IV controlled substances approved by the joint pharmaceutical formulary board and included in the formulary.

(h) Other diagnostic agents approved by the joint pharmaceutical formulary board.

IV. "Practice of optometry" means the employment of any methods or means, other than surgery, for the:

(a) Diagnosis and treatment of any optical defect, deficiency, deformity, or disease of the human eye, adnexa and eyelids.

(b) Diagnosis and treatment of visual or muscular anomaly of the visual system.

(c) Adaptation or prescribing of spectacle lenses, contact lenses, prisms or ocular exercises for the correction, relief or aid of the visual functions.

(d) Prescribing, administering or dispensing of pharmaceutical agents.

V. "Prescription of pharmaceutical agents" means a written or oral direction to dispense a pharmaceutical agent, including inscription, subscription, transcription, and renewal.

VI. "Surgery" means any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical means. Surgical procedures shall include the use of lasers for therapeutic purposes, ionizing radiation, therapeutic ultrasound, or medication administered by injection; but it shall not include the application or removal of FDA-approved medical devices including, but not limited to, contact lenses and punctal plugs and the removal of superficial foreign bodies from the eye, adnexa and eyelids.

9 Requirements to Use Pharmaceutical Agents. RSA 327:6-a is repealed and reenacted to read as follows:

327:6-a Requirements; Authorization.

I. Only licensed optometrists who have successfully completed examinations on pharmacological substances and other treatments of diseases of the eye, adnexa and eyelids, who have met acceptable standards of education and professional competence as determined by the board, and who hold current certification in cardiopulmonary resuscitation (CPR), shall be authorized to use pharmaceutical agents in the practice of optometry.

II. An optometrist licensed to practice optometry prior to January 1, 1993, shall complete a post-graduate course of study approved by the board covering the subjects of ocular pharmacology and the treatment and management of eye diseases and shall pass an examination administered by the National Board of Examiners in Optometry or its successor and approved by the board. Every optometrist licensed to practice optometry after January 1, 1993, shall pass an examination administered by the National Board of Examiners in Optometry or its successor and approved by the board. To meet the requirements of this section, an approved course shall be given by an accredited school or college of optometry in the United States and shall consist of a minimum of 105 hours, of which a minimum of 25 hours shall be in direct clinical training. The board shall adopt rules, under RSA 541-A, to carry out the provisions of this section and to insure the safety of the public.

III. Notwithstanding any other provision of law, any licensed pharmacist is authorized to fill prescriptions issued by optometrists for pharmaceutical agents authorized under this chapter and included in the approved formulary.

IV. Nothing in this section shall be construed to permit an optometrist to administer any pharmaceutical product by intravenous injection; or to administer, prescribe or dispense any pharmaceutical product designated as a category 1 or 2 controlled substance defined by the United States Controlled Substances Act of 1970, as amended; or to administer, prescribe or dispense any pharmaceutical product except for the diagnosis or treatment of disease or conditions of the human eye, adnexa or eyelids.

V. Notwithstanding any other provision of law, an optometrist who is certified to use pharmaceutical agents in the practice of optometry shall be permitted to administer diphenhydramine, epinephrine or an equivalent medication to counter anaphylaxis or anaphylactic reaction.

10 Joint Pharmaceutical Board Revised. Amend RSA 327:6-b to read as follows:

327:6-b Joint Pharmaceutical Formulary Board.

I. The joint pharmaceutical formulary board shall consist of [7] *the following* members [as follows]: [2] 3 optometrists licensed [and qualified] *under RSA 327, including RSA 327:6-a*, to

practice optometry in the state of New Hampshire [under RSA 327], *one of whom teaches at a college of optometry, one of whom serves on the board of registration in optometry, and one who is authorized to use pharmaceutical agents*; [2 physicians] *one ophthalmologist* licensed [and qualified] *under RSA 329* to practice [as ophthalmologists] in the state of New Hampshire; [one pharmacologist practicing in the state of New Hampshire; one pharmacist] *one physician licensed under RSA 329 who specializes in internal medicine and who practices in the state of New Hampshire; and 2 pharmacists* licensed *under RSA 318* and *actively* practicing in the state of New Hampshire, *one of whom shall be a member of the board of pharmacy* [; and one dentist licensed in the state of New Hampshire who shall be the public member of said board]. [Members of the initial board shall serve for staggered terms of 2, 3, and 4 years. Of the initial board, 2 shall serve for 2 years, 3 shall serve for 3 years and 2 shall serve for 4 years. All subsequent] Members [appointed] shall serve terms of 5 years and shall not be eligible for a second consecutive term. Recommendations for appointment shall be made to the governor [and shall be subject to confirmation by the executive council. The optometric, physician, and pharmacy members shall be recommended] by [their] *the* respective professional associations. [The dentist as public representative and the pharmacologist shall be nominated directly by the governor. The dentist shall serve as chairperson of the joint pharmaceutical formulary board.] All members shall be residents of the state of New Hampshire. Neither they nor their spouses shall have any material financial interest in the provision of eye care services other than that which is directly [connected] *related* to the practice of their professions. All members shall be nominated and confirmed by the governor and council.

II. The board shall meet not less than every 3 months to discuss matters pertinent to the therapeutic optometrists formulary. Matters to be brought before the board shall be filed in writing with the chairperson at least 30 days prior to the scheduled meeting. Any request on the agenda not acted upon or which has not received a final decision must be decided within 6 months or the request shall be deemed granted. Each of the licensing boards represented on the joint pharmaceutical formulary board may submit items to be assigned to the agenda for consideration.

III. Violations of this section shall be reported in writing to the *board of pharmacy and to the* board of registration in optometry, which shall investigate alleged violations and take disciplinary actions as appropriate under [the powers granted under] RSA 327:20. The joint pharmaceutical formulary board shall be apprised of all reported violations of this section and shall receive copies of all reports, findings, and disciplinary action taken. The use of any pharmaceutical [agent] *agents by an optometrist not authorized under RSA 327:6-a or*, other than those [approved for diagnostic purposes or for other than diagnostic purposes] *agents described in RSA 327:1 or those approved by the formulary board* shall be considered a violation of RSA 327:20.

11 New Sections; Continuing Education Courses Required For Pharmaceutical Certification. Amend RSA 327 by inserting after section 33 the following new sections:

327:33-a Continuing Education Courses Required For Pharmaceutical Certification. An optometrist certified to use pharmaceutical agents in the practice of optometry shall complete a minimum of 150 hours of continuing education every 3 years in order to maintain his pharmaceutical certification. At least 60 of these hours shall be in courses approved and supervised by the board. The remaining hours shall be in independent study activities authorized by the board. Each optometrist shall report continuing education hours to the board annually in accordance with rules adopted by the board for the implementation of this section. These continuing education courses and activities shall satisfy the requirements of RSA 327:33.

327:33-b Consumer Publication. The board of optometry shall develop a consumer publication that contains the information necessary to educate consumers regarding optical services and products, the services available from the optometrist authorized to use therapeutics to treat eye conditions, and the services available from other optometrists. The board shall supply reasonable quantities of this publication at no charge to all licensed practitioners.

12 Effective Date.

- I. Section 10 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill redefines terms and specifies those optometrists who shall be authorized to use pharmaceutical agents in the practice of optometry. It also includes optometrists as a profession subject to the Controlled Drug Act, and defines the relationship of optometrists with pharmacists and pharmacies.

This bill specifies those pharmaceutical products which optometrists may be authorized to use, and sets forth the necessary criteria for such authorization. Performance of certain treatments and diagnostic or surgical procedures are specifically prohibited.

Rep. Wells spoke in favor.

Reps. Dowd, Dyer and Elizabeth Moore spoke against.

Rep. McGovern spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the McGovern/Wells floor amendment.

YEAS 249

NAYS 116

YEAS 249

BELKNAP

Bartlett, Gordon
Laffam, Robert
Smith, Linda

Cain, Thomas
Lawton, David

Dewhirst, Glenn
Rosen, Ralph

Hawkins, Robert
Salatiello, Thomas

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Gordon

Beach, Mildred
Mock, Henry

Bradley, Jeb
Philbrick, Donald

Cogswell, Richard
Saunders, Howard

CHESHIRE

Bonneau, Sarah
Hunt, John
McGuirk, Paul
Robertson, Timothy

Burnham, Daniel
Kingsbury, H. Thayer
Pearson, Gertrude
Russell, Ronald

DePecol, Benjamin
Lynch, Margaret
Pratt, Irene
Young, David

Delano, Robert
Manning, Joseph
Richardson, Barbara

COOS

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Hawkinson, Marie
Wiswell, James

Horton, Lynn

GRAFTON

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Larson, Nils, Jr.

Brown, Alson
Guest, Robert
McIlwaine, Deborah

Chase, Paul, Jr.
Ham, Bonnie
Nordgren, Sharon

Copenhaver, Marion
LaMott, Paul
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Arnold, Thomas, Jr.
Bergeron, Normand
Calawa, Leon, Jr.
Cote, David
Desrosiers, William
Dwyer, Patricia
Foster, Linda
Haettenschwiller, Alphonse
Healy, Daniel
Jean, Claudette
Kirby, Thomas
Lessard, Rudy
McCann, Bonnie
Morrissette, Roland

Ahlgren, Madelyn
Asselin, Robert
Borsa, Andrew
Cepaitis, Elizabeth
Crotty, Edward
Donovan, Francis
Dykstra, Leona
Gagnon, Eugene
Hall, Betty
Holt, David
Jean, Loren
L'Heureux, Robert
Lown, Elizabeth
Mercer, Robert
Murphy, Robert

Ahrens, Frederick
Bagley, Amy
Buckley, Raymond
Chabot, Robert
Daigle, Robert
Drabinowicz, A. Theresa
Fenton, James
Gosselin, Gerald
Hanselman, Gregory
Holt, Mark
Johnson, Lionel
Laughlin, J. Francis
Lozeau, Donnalee
Milligan, Robert
Nardi, Theodora

Amidon, Eleanor
Bergeron, Lucien
Burke, M. Virginia
Clemons, Jane
Daniels, Gary
Drolet, Paul
Fields, Dennis
Greenberg, Gary
Hart, Nick
Hunter, Bruce
Kelley, Dana
Leclerc, Charles
Martin, Mary Ellen
Morello, Michael
O'Rourke, Joanne

Pepino, Leo
Reidy, Frank
Smith, Leonard
Toomey, Kathryn
Wright, George

Perkins, Paul
Riley, Frances
Soucy, Donna
Turgeon, Roland

Philbrook, Paula
Rothhaus, Finlay
Soucy, Richard
Wells, Peter, Sr.

Plourde, Alphonse
Sargent, Maxwell
Tate, Joan
Wheeler, Robert

MERRIMACK

Apple, Lowell
Chandler, John
French, Barbara
Hill, Michael
Johnson, Joyce May
Owen, Derek
Soldati, Jennifer
Ward, Jay

Barberia, Richard
Daneault, Gabriel
Gilbreth, Robert
Holmes, Mary
Kennedy, Richard
Pfaff, Terence
Stapleton, Henry
Willis, Jack

Buessing, Marjorie
Dunn, Miriam
Gross, Caroline
Houlahan, Thomas
Moore, Carol
Regan, Maurice
Trombly, Rick
Yeaton, Charles

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Johnson, C. William
Newland, Matthew
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Aranda, M. Kathryn
Bell, Juanita
Caswell, Albert, Jr.
Cote, Charles
Dowling, Patricia
Gage, Beverly
Kane, Cecelia
Lee, Rebecca
O'Keefe, Patricia
Putnam, Ed, II
Senter, Marilyn
St. Martin, Tommy
Vaughn, Charles

Arndt, Janet
Boucher, William
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Gorman, Donald
Katsakiores, George
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Simon, Peter
Stone, Joseph
Welch, David

Battles, Marjorie
Bove, Martin
Clark, Martha
Crossman, Harold, Jr.
Felch, Charles, Sr.
Groves, Bonnie
Klemm, Arthur, Jr.
McGovern, Cynthia
Pantelakos, Laura
Ritzo, Eugene
Smith, Arthur
Syracusa, Anthony
Weyler, Kenneth

Beaulieu, Jon
Campbell, Marilyn
Coes, Betsy
DiPietro, Carmela
Flanagan, Natalie
Hurst, Sharleene
Kruse, Fred
Newman, Rick
Pullman, Robert
Rosencrantz, James
Splaine, James
Teminko, Margaret
Williamson, William

STRAFFORD

Brown, George
Dunlap, Patricia
Hemon, Roland
Knowles, William
McGrath, J. Gregory
O'Brien, John
Sullivan, Henry

Callaghan, Frank
Gilmore, Gary
Hilliard, Dana
Loder, Suzanne
McKinley, Robert
Pageotte, Donald
Vincent, Francis

Chagnon, Ronald
Hambrick, Patricia
Keans, Sandra
Lundborn, Raymond
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

Douglass, Clyde
Hashem, Elaine
Kincaid, William
McCann, William, Jr.
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Lindblade, Eric
Stamatakis, Carol

Burling, Peter
Palmer, Lorraine

Cloutier, John
Peyron, Fredrick

Kane, Joan
Schotanus, Merle

NAYS 116 BELKNAP

Campbell, Richard, Jr.
Johnson, Carl

Golden, Paul
Rice, Thomas, Jr.

Hauck, William
Turner, Robert

Holbrook, Robert
Ziegra, Alice

CARROLL

Chandler, Gene

Foster, Robert

Lyman, L. Randy

Wiggin, Allen

CHESHIRE

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Champagne, Richard
Metzger, Katherine

Cole, Stacey
Perry, David

Foster, Katherine
Royce, H. Charles

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Foss, Frederic

Harwell, Tyler

Merrill, Gerald

GRAFTON

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Rose, William
Ward, Kathleen

Bean, Pamela
Driscoll, William
Scanlan, David

Brown, Channing
Eaton, Stephanie
Trelfa, Richard

Brown, Patricia
Hill, Richard
Wadsworth, Karen

HILLSBOROUGH

Andrews, Frederick
Dodge, Emma
Ferguson, Charles
Jasper, Shawn
Lefebvre, Roland
Messier, Irene
Peters, Stanley
Upton, Barbara

Arnold, Barbara
Domaingue, Jacquelyn
Franks, Suzan
Kelley, Robert
Mason, Howard
Mittelman, David
Rheault, Lillian
Vanderlosk, Stanley

Bowers, Dorothy
Durham, Susan
Holden, Carol
Kurk, Neal
McCarty, Winston
Moore, Elizabeth
Rodgers, G. Philip
Weergang, Alida

Cowenhoven, Garret
Dyer, Merton
Holley, Sylvia
Lachut, Ervin
McRae, Karen
Packard, Bonnie
Searles, Stanley, Sr.
White, John

MERRIMACK

Chandler, Earle
Lockwood, Robert
Weeks, John, Jr.

Fillion, Paul
Nichols, Avis
Whalley, Michael

Kidder, William
Shaw, Randall
Whittemore, James

Langer, Ray
Teague, Bert

ROCKINGHAM

Chester, Sherman
Dowd, Sandra
Flanders, John, Sr.
Klemarczyk, Thaddeus
Noyes, Richard
Skinner, Patricia
Woods, Deborah

Clark, Vivian
Dube, LeRoy
Hemenway, Thomas
Lovejoy, Marian
Pratt, Katharin
Stritch, C. Donald

Conroy, Janet
Fesh, Robert
Johnson, Bill
McKinney, Betsy
Rubin, George
Sytek, Donna

Crum, William, Jr.
Flanders, David
Johnson, Robert
Miller, Don
Schanda, Joseph, Sr.
Sytek, John

STRAFFORD

Musler, George
Torr, Franklin

Nehring, William
Torr, Ralph

Spear, Barbara
Wasson, Richard

Torr, Ann

SULLIVAN

Behrens, Thomas
Rodeschin, Beverly

Domini, Irene

Flint, Gordon

Holl, Ann

and the amendment was adopted.

Report adopted and ordered to third reading.

REGULAR CALENDAR (Cont'd.)

HB 25-A, making appropriations for capital improvements, establishing a committee to oversee and set priorities for certain appropriations and establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: The amendment proposed by the Committee removes two direct cash appropriations; adds the fire standards dormitory and equipment replacements for NHPTV; and makes other adjustments with the net effect of reducing the bottom line by \$14,009,585.00. Vote 19-1.

Amendment (2223B)

Amend the title of the bill by replacing it with the following:

AN ACT

making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations.

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General.

A. Replace roofs at 6 facilities-statewide	\$ 96,800
Less federal	<u>- 72,600</u>
Net state appropriation subparagraph A	\$ 24,200
B. Roof replacement-Manchester	\$ 121,250
C. Roof replacement MV storage/hangar-Concord	\$ 340,480
Less federal	<u>\$ - 255,360</u>
Net state appropriation subparagraph C	\$ 85,120
D. Replace 37 overhead doors-Concord	\$ 41,000
Less federal	<u>\$ - 30,750</u>
Net state appropriation subparagraph D	\$ 10,250
Total state appropriation paragraph I	\$ 240,820

II. Department of Administrative Services, Division of Plant and Property Management.

A. Bureau of General Services.

1. Replace cooling tower-health and human services building	\$ 60,000
2. Central processing unit upgrade-data center	300,000
3. Disk storage upgrade-data center	150,000
4. Parking expansion-health and human services	<u>200,000</u>
Total subparagraph A	\$ 710,000

B. Bureau of Court Facilities.

1. Manchester district court construction *	\$ 3,000,000
2. Plymouth district court design	<u>100,000</u>
Total subparagraph B	\$ 3,100,000
Total state appropriation paragraph II	\$ 3,810,000

* No portion of this appropriation shall be used for land acquisition.

III. Department of Corrections.

A. Upgrade electronic security systems-Concord	\$ 250,000
B. Repair security fence-Concord	100,000
C. Repair boiler plant-Lakes Region	180,000
D. Repair sewer main-Lakes Region	250,000
E. Purchase of truck and forklift-Concord	<u>80,000</u>
Total state appropriation paragraph III	\$ 860,000

IV. Department of Environmental Services.

A. Hazardous waste superfund match	\$ 1,843,000
B. State revolving fund match	5,723,835
C. Division of water resources	
1. Bedrock aquifer mapping (groundwater mapping program)	264,295
Total state appropriation paragraph IV	\$ 7,831,130

V. Department of Health and Human Services.

A. New Hampshire Hospital	
1. Replace laundry equipment	<u>\$ 75,000</u>
Total subparagraph A	\$ 75,000
B. Glencliff Home for the Elderly	
1. Enlarge/remodel laundry	\$ 190,000
2. Sewer and water line replacement	<u>600,000</u>
Total subparagraph B	\$ 790,000

C.	Division for Children and Youth Services	
1.	Design/study new school building	\$ 100,000
2.	Reroof 3 buildings-YDC	110,000
3.	Replace valves, piping and traps-YDC	125,000
4.	Replace gym floor-Tobey building	60,000
5.	Case management system	\$ 1,500,000
	Total subparagraph C	\$ 1,895,000
D.	Division of Public Health Services	
1.	Optical disk records storage	\$ 387,622
2.	Additional generator-health and human services building	140,000
	Total subparagraph D	\$ 527,622
E.	Division of Mental Health and Developmental Services	
1.	Main building repairs	\$ 700,000
2.	Asbestos abatement	50,000
3.	Renovate Brown building *	9,946,000
	Total subparagraph E	\$ 10,696,000
* No portion of this appropriation may be expended or encumbered in any way for parking facilities until the report required by HB 2 of the 1993 session is approved by the capital budget overview committee.		
F.	Commissioner's Office of Administration and Finance	
1.	Automated inserting and mailing system	\$ 261,096
2.	Modernize communications processors	\$ 201,000
	Less federal	\$ - 60,300
	Net state appropriation subparagraph 2	\$ 140,700
3.	FAMIS system development	\$ 1,400,000
	Less federal	- 900,000
	Net state appropriation subparagraph 3	\$ 500,000
	Total subparagraph F	\$ 901,796
	Total state appropriation paragraph V	\$ 14,885,418
VI.	Liquor Commission.	
A.	Repair parking lots at 3 stores	\$ 100,000
B.	Roofing and exterior repairs at 2 stores	22,000
C.	Replace roof-Nashua store #69	81,000
D.	Upgrade Hampton #73 sewer system with emphasis on providing facilities for the public	375,000
E.	Parking lot repairs at 5 stores	100,000
	Total state appropriation paragraph VI	\$ 678,000
VII.	Department of Postsecondary Technical Education.	
A.	Renovate dental auxiliaries lab	\$ 300,000
B.	Instructional computer labs	1,134,000
C.	Renovate 2 biology labs-Concord	181,000
D.	Upgrade nursing/fitness lab-Manchester	96,000
E.	Diagnostic medical imaging unit-Concord	244,000
F.	Upgrade GIS/survey lab-Berlin	137,000
G.	Graphic arts imaging lab-Laconia	306,000
H.	Replace windows and roof-Stratham	320,000
	Total state appropriation paragraph VII	\$ 2,718,000
VIII.	Department of Resources and Economic Development.	
A.	Energy system conversion-Cannon	\$ 90,000
B.	Sunapee/Cannon snowmaking, safety items, trail construction and reconstruction	2,925,000
	Total state appropriation paragraph VIII	\$ 3,015,000

IX. Department of Revenue Administration.

A. Computer assisted mass appraisal	\$ 500,000
Total state appropriation paragraph IX	\$ 500,000

X. Department of Safety.

A. Replacement of radio system	
1. General fund share	\$ 3,000,000
2. Highway fund share	4,500,000
Net appropriation subparagraph A	\$ 7,500,000
B. Fire standards and training dormitory	\$ 2,126,500
C. Division of Fire Service	
1. Gas chromatograph mass spectrometer	49,620
Total state appropriation paragraph X	\$ 9,676,120

XI. Department of Transportation.

A. Division of Aeronautics	
1. Land acquisition-navigation beacons	\$ 80,000
2. State required 5-10 percent match for FAA approved airport projects	500,000
Total subparagraph A	\$ 580,000
B. Bureau of Public Works	
1.a. Underground tank replacement-general fund share	\$ 750,000
b. Underground tank replacement-highway fund share	500,000
2. Americans with Disabilities Act compliance *	1,500,000
Net appropriation subparagraph B	\$ 2,750,000
Total state appropriation paragraph XI	\$ 3,330,000
Total state appropriation section 1	\$ 47,544,488

* An amount not to exceed 9.5 percent of the appropriation may be expended for consultant services and/or temporary trades.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Infrastructure renovations-Plymouth	\$ 1,100,000
B. American with Disabilities Act code compliance improvements-systemwide	500,000
C. System-wide maintenance	4,000,000
D. Design Lamson library-Plymouth	\$ 500,000
E. Design Mason library - Keene	200,000
F. Construction Dimond library - UNH	15,000,000
G. NHPTV - Equipment replacement/upgrade	937,000
Total state appropriation section 2	\$ 22,237,000

3 Appropriation; Department of Postsecondary Technical Education. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. New Hampshire Technical Institute-Concord	
1. Student activity center	\$ 1,080,000
less other funds	\$ - 230,000
Net state appropriation section 3	\$ 850,000

4 Appropriation; Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Reconstruct York Pond Road-Berlin	\$ 95,000
Less federal	- 71,250
Net appropriation subparagraph A	\$ 23,750

B. Concrete repair/replacement-Berlin	\$	345,000
Less federal	-	258,750
Net appropriation subparagraph B	\$	86,250
C. Develop additional water source-Berlin	\$	160,000
Less federal	-	120,000
Net appropriation subparagraph C	\$	40,000
D. Storage building-Concord headquarters	\$	135,000
E. Conversion of existing storage buildings to offices	\$	40,000
Total state appropriation section 4	\$	325,000

5 Appropriation; Department of Resources and Economic Development, Division of Parks and Recreation. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Division of Parks and Recreation		
1. Americans with Disabilities Act compliance-parks	\$	665,000
2. Wentworth Coolidge seawall/barn		200,000
3. Toilet/trail/parking improvements-Monadnock		150,000
4. Septic systems-Weeks/Wentworth		150,000
5. Improvements-Rockingham/Pisgah/Canterbury		177,000
6. Develop plans-Governors/Northwood Meadows		50,000
7. Historic sites		200,000
Total state appropriation section 5	\$	1,592,000

6 Increased Bond Authorization; Dam Maintenance Fund. Amend RSA 482:56 to read as follows:

482:56 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 482:55, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$5,700,000] **\$6,700,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

7 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3, 4 and 5 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

8 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids have been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the State of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with

the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

9 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, 4, 5 and 6 except such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of department of transportation with the approval of the governor and council.

10 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4 and 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$72,548,488 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

11 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state, except for the payment of principal and interest on bonds for the appropriations under section 1, paragraph X, A, 2 and section 1, paragraph XI, B, 1, b of this act shall be made when due from the highway fund.

II. The payment of principal and interest on bonds issued for projects in:

(a) Section 3 shall be made from the technical institute private fund.

(b) Section 4 shall be made from the fish and game fund.

(c) Section 5 shall be made from the state park fund.

12 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds and notes issued for the purpose of section 2.

13 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, 4, 5 and 6 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 10 shall be reduced by the same amount.

14 Transfers. The individual project appropriations, as provided in sections 1, 3, 4, 5 and 6 shall not be transferred or expended for any other purpose; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

15 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, 4, 5 and 6 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 10 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

16 Lapse Date; June 30, 1999. The appropriation made to the department of environmental services, division of water resources in section 1, paragraph IV, C of this act, for bedrock aquifer mapping shall lapse June 30, 1999.

17 Committee Established.

I. There is hereby established a committee to oversee, set priorities for and make recommendations for projects and technical assistance concerning the use of the appropriation made in section 1, paragraph XI, B, 2 of this act for compliance with the Americans with Disabilities Act.

II. The committee shall be composed of the following:

- (a) The commissioner of the department of transportation, or designee.
- (b) The commissioner of administrative services, or designee.
- (c) The attorney general, or designee.
- (d) One member from the governor's commission on disability.

III. The committee shall remain in existence until the appropriation in section 1, paragraph XI, B, 2 of this act, lapses.

18 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill makes appropriations for capital improvements for the biennium.

The bill also establishes a committee to oversee and set priorities for appropriations made to achieve compliance with the Americans with Disabilities Act.

Adopted.

Rep. Buckley offered a floor amendment.

Floor Amendment (2339B)

Amend section 1 of the bill by replacing subparagraph II, B with the following:

B. Bureau of Court Facilities.

1. Plymouth district court design	100,000
Total subparagraph B	<u>\$ 100,000</u>
Total state appropriation paragraph II	\$ 810,000

Amend section 1 of the bill by replacing the total state appropriation with the following:

Total state appropriation section 1	\$ 44,544,488
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Amend section 10 of the bill by replacing it with the following:

10 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4 and 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$69,548,488 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

Rep. Buckley spoke in favor and yielded to questions.

Adopted.

Rep. Borsa offered a floor amendment.

Floor Amendment (2411B)

Amend the bill by replacing section 2 with the following:

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Infrastructure renovations-Plymouth	\$ 1,100,000
B. American with Disabilities Act code compliance improvements-systemwide	500,000
C. System-wide maintenance	4,000,000
D. Design Lamson library-Plymouth	500,000
E. Design Mason library - Keene	200,000
F. Construction Dimond library - UNH	<u>15,000,000</u>
Total state appropriation section 2	\$ 21,300,000

Amend the bill by replacing section 10 with the following:

10 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, 4 and 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$71,611,488 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. In order to provide funds to pay the cost of issuing the bonds authorized by this section, the state treasurer may issue bonds up to 102 percent of the authorized amounts. The proceeds from the additional bonds may be used only for the purpose of paying such issuance costs.

Reps. Borsa and Gorman spoke in favor.

Reps. Schotanus and Katherine Wheeler spoke against and yielded to questions.

The amendment failed.

Report adopted and ordered to third reading.

HCR 14, urging members of Congress to oppose aspects of the proposed federal energy tax which discriminate against home heating oil consumers in the Northeast and Mid-Atlantic regions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael J. Hill for State-Federal Relations: President Clinton's proposed energy tax includes a supplemental tax on heating oil that discriminates against businesses and other non-residential heating oil consumers in the Northeast, and would cause the loss of thousands of technical jobs in areas already hardest hit by the recession. The resolution urges our congressional delegation to continue to oppose any such tax. Vote 10-0.

Amendment (2381B)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

urging members of Congress to oppose aspects of the proposed federal energy tax which discriminates against heating oil consumers in the Northeast and Mid-Atlantic regions.

Amend the resolution by replacing all after the title with the following:

Whereas, President Clinton has proposed an energy tax; and

Whereas, this tax contains a supplemental tax on heating oil which discriminates against businesses and other non-residential heating oil consumers in the Northeast and Mid-Atlantic regions; and

Whereas, this tax is estimated initially to cost businesses and other non-residential heating oil customers in this region approximately \$.08 per gallon while other non-residential energy customers throughout the country will be paying approximately \$.03 per gallon; and

Whereas, this tax is scheduled to increase annually at the rate of inflation, affecting schools, churches, hospitals, local governments and businesses; and

Whereas, conservation efforts over the last 15 years have resulted in a 30 percent reduction in the use of heating oil; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges members of the New Hampshire congressional delegation to continue to work with members of other congressional delegations in the Northeast and Mid-Atlantic regions to oppose the imposition of any energy tax proposal that discriminates against businesses and other non-residential consumers on a regional basis, causes the loss of thousands of technical jobs in regions already hardest hit by the recession; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This house concurrent resolution urges members of Congress to oppose certain aspects of the proposed federal energy tax which discriminates against certain heating oil consumers.

Rep. Michael Hill spoke in favor.

Adopted.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 351

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Rosen, Ralph
Ziegler, Alice

Cain, Thomas
Hauck, William
Laflam, Robert
Salatiello, Thomas

Allard, Nancy
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Avery, Stephen
DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Pratt, Irene
Young, David

Bonneau, Sarah
Delano, Robert
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine
Wiswell, James

Adams, Carl
Brown, Channing
Dow, David
Guest, Robert
Larson, Nils, Jr.
Scanlan, David
Ward, Kathleen

Bean, Pamela
Brown, Patricia
Driscoll, William
Ham, Bonnie
McIlwaine, Deborah
Teschner, Douglass

Ahrens, Frederick
Arnold, Thomas, Jr.
Bergeron, Normand
Burke, M. Virginia
Clemons, Jane
Daigle, Robert
Domaingue, Jacquelyn
Durham, Susan
Fenton, James
Franks, Suzan
Haettenschwiller, Alphonse
Holden, Carol
Hunter, Bruce
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
Martin, Mary Ellen
McRae, Karen
Mittelman, David

Amidon, Eleanor
Asselin, Robert
Borsa, Andrew
Calawa, Leon, Jr.
Cote, David
Daniels, Gary
Donovan, Francis
Dwyer, Patricia
Ferguson, Charles
Gagnon, Eugene
Hanselman, Gregory
Holley, Sylvia
Jasper, Shawn
Kelley, Dana
Lachut, Ervin
Lessard, Rudy
Mason, Howard
Mercer, Robert
Moore, Elizabeth

NAYS 8**YEAS 351
BELKNAP**

Campbell, Richard, Jr.
Hawkins, Robert
Lawton, David
Smith, Linda

Dewhurst, Glenn
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

CARROLL

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Champagne, Richard
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Royce, H. Charles

Cole, Stacey
Hunt, John
McGuirk, Paul
Perry, David
Russell, Ronald

COOS

Foss, Frederic
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Below, Clifton
Chase, Paul, Jr.
Eaton, Stephanie
Hill, Richard
Nordgren, Sharon
Trelfa, Richard

Brown, Alson
Copenhaver, Marion
Gordon, Edward
LaMott, Paul
Rose, William
Wadsworth, Karen

HILLSBOROUGH

Andrews, Frederick
Bagley, Amy
Bowers, Dorothy
Cepaitis, Elizabeth
Cowenhoven, Garret
Desrosiers, William
Drabinowicz, A. Theresa
Dyer, Merton
Fields, Dennis
Gosselin, Gerald
Hart, Nick
Holt, David
Jean, Claudette
Kelley, Robert
Laughlin, J. Francis
Lown, Elizabeth
McCann, Bonnie
Messier, Irene
Morello, Michael

Arnold, Barbara
Bergeron, Lucien
Buckley, Raymond
Chabot, Robert
Crotty, Edward
Dodge, Emma
Drolet, Paul
Dykstra, Leona
Foster, Linda
Greenberg, Gary
Healy, Daniel
Holt, Mark
Jean, Loren
Kurk, Neal
Leclerc, Charles
Lozeau, Donnalee
McCarty, Winston
Milligan, Robert
Morrissette, Roland

Murphy, Robert
 Pepino, Leo
 Plourde, Alphonse
 Rodgers, G. Philip
 Smith, Leonard
 Toomey, Kathryn
 Weergang, Alida
 Wright, George

Nardi, Theodora
 Perkins, Paul
 Reidy, Frank
 Rothhaus, Finlay
 Soucy, Donna
 Turgeon, Roland
 Wells, Peter, Sr.

O'Rourke, Joanne
 Peters, Stanley
 Rheault, Lillian
 Sargent, Maxwell
 Soucy, Richard
 Upton, Barbara
 Wheeler, Robert

Packard, Bonnie
 Philbrook, Paula
 Riley, Frances
 Searles, Stanley, Sr.
 Tate, Joan
 Vanderlosk, Stanley
 White, John

MERRIMACK

Barberia, Richard
 Chandler, John
 Fillion, Paul
 Hall, Douglas
 Johnson, C. William
 Lockwood, Robert
 Owen, Derek
 Shaw, Randall
 Trombly, Rick
 Whalley, Michael

Buessing, Marjorie
 Daneault, Gabriel
 French, Barbara
 Hill, Michael
 Johnson, Joyce May
 Moore, Carol
 Pfaff, Terence
 Soldati, Jennifer
 Wallner, Mary Jane
 Whittemore, James

Carter, Susan
 Dunn, Miriam
 Gilbreth, Robert
 Holmes, Mary
 Kidder, William
 Newland, Matthew
 Regan, Maurice
 Stapleton, Henry
 Ward, Jay
 Willis, Jack

Chandler, Earle
 Feuerstein, Martin
 Gross, Caroline
 Houlahan, Thomas
 Langer, Ray
 Nichols, Avis
 Rogers, Katherine
 Teague, Bert
 Weeks, John, Jr.
 Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
 Bell, Juanita
 Caswell, Albert, Jr.
 Coes, Betsy
 Crossman, Harold, Jr.
 Dowling, Patricia
 Fesh, Robert
 Gage, Beverly
 Hurst, Sharleene
 Katsakiores, George
 Lovejoy, Marian
 Miller, Don
 Pantelakos, Laura
 Raynowska, Bernard
 Schanda, Joseph, Sr.
 Smith, Arthur
 Stritch, C. Donald
 Teminko, Margaret
 Woods, Deborah

Arndt, Janet
 Boucher, William
 Chester, Sherman
 Conroy, Janet
 Crum, William, Jr.
 Drake, Herbert
 Flanagan, Natalie
 Gorman, Donald
 Johnson, Bill
 Klemarczyk, Thaddeus
 Malcolm, Kenneth
 Noyes, Richard
 Pratt, Katharin
 Ritzo, Eugene
 Senter, Marilyn
 Splaine, James
 Syracuse, Anthony
 Welch, David
 Yannaco, Carol

Battles, Marjorie
 Bove, Martin
 Clark, Martha
 Cote, Charles
 DiPietro, Carmela
 Dube, LeRoy
 Flanders, David
 Groves, Bonnie
 Johnson, Robert
 Klemm, Arthur, Jr.
 McGovern, Cynthia
 O'Keefe, Patricia
 Pullman, Robert
 Rosencrantz, James
 Simon, Peter
 St. Martin, Tommy
 Sytek, Donna
 Weyler, Kenneth

Beaulieu, Jon
 Campbell, Marilyn
 Clark, Vivian
 Cote, Patricia
 Dowd, Sandra
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Hemenway, Thomas
 Kane, Cecelia
 Lee, Rebecca
 McKinney, Betsy
 Packard, Sherman
 Putnam, Ed, II
 Rubin, George
 Skinner, Patricia
 Stone, Joseph
 Sytek, John
 Williamson, William

STRAFFORD

Brown, George
 Dunlap, Patricia
 Hemon, Roland
 Knowles, William
 McKinley, Robert
 Pageotte, Donald
 Sullivan, Henry
 Vincent, Francis

Callaghan, Frank
 Gilmore, Gary
 Hilliard, Dana
 Lundborn, Raymond
 Merrill, Amanda
 Rogers, Rose Marie
 Torr, Ann
 Wall, Janet

Chagnon, Ronald
 Hambrick, Patricia
 Keans, Sandra
 McCann, William, Jr.
 Merritt, Deborah
 Snyder, Clair
 Torr, Franklin
 Wasson, Richard

Douglass, Clyde
 Hashem, Elaine
 Kincaid, William
 McGrath, J. Gregory
 Nehring, William
 Spear, Barbara
 Torr, Ralph
 Wheeler, Katherine

SULLIVAN

Allison, David
 Domini, Irene
 Lindblade, Eric
 Schotanus, Merle

Behrens, Thomas
 Fiint, Gordon
 Palmer, Lorraine
 Stamatakis, Carol

Burling, Peter
 Holl, Ann
 Peyron, Fredrik

Cloutier, John
 Kane, Joan
 Rodeschin, Beverly

**NAYS 8
BELKNAP**

None

CARROLL

None

CHESHIRE

Burnham, Daniel

Robertson, Timothy

COOS

None

GRAFTON

None

HILLSBOROUGH

Hall, Betty

Kirby, Thomas

MERRIMACK

None

ROCKINGHAM

Kruse, Fred

Vaughn, Charles

STRAFFORD

Loder, Suzanne

O'Brien, John

SULLIVAN

None

and the report was adopted.

Ordered to third reading.

HJR 3, requiring the department of health and human services to clarify the rules for the use of medicaid disproportionate share payments. **INEXPEDIENT TO LEGISLATE**

Reps. Douglass P. Teschner and Garret P. Cowenhoven for Ways and Means: Through the medicaid enhancement program, hospitals have received \$47 million in the past three years and (if HB 50 and HB 52 become law) will receive \$7 million during the 1994-1995 biennium. There has been much debate and discussion regarding how the hospitals have used this money (including three proposed amendments to this resolution). The majority of the Ways and Means Committee believe that the present Health and Human Services Department rules are sufficient to account for these expenditures. Vote 10-5.

Rep. Soldati moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Teschner spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 167

NAYS 190

**YEAS 167
BELKNAP**

Lafam, Robert

Salatiello, Thomas

Smith, Linda

CARROLL

Allard, Nanci

Beach, Mildred

Mock, Henry

CHESHIRE

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Foster, Katherine

Kingsbury, H. Thayer

Lynch, Margaret

Manning, Joseph

McGuirk, Paul

Perry, David

Pratt, Irene

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

Young, David

COOS

Bradley, Paula

Coulombe, Henry

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

Wiswell, James

GRAFTON

Below, Clifton
Gordon, Edward
Nordgren, Sharon

Chase, Paul, Jr.
Guest, Robert

Copenhaver, Marion
Ham, Bonnie

Dow, David
McIlwaine, Deborah

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Chabot, Robert
Daigle, Robert
Dwyer, Patricia
Gagnon, Eugene
Hanselman, Gregory
Holt, Mark
L'Heureux, Robert
Lessard, Rudy
Messier, Irene
Morrisette, Roland
Philbrook, Paula
Soucy, Donna
Wells, Peter, Sr.

Ahlgren, Madelyn
Bergeron, Normand
Clemons, Jane
Domaingue, Jacquelyn
Fenton, James
Gosselin, Gerald
Hart, Nick
Jean, Claudette
Laughlin, J. Francis
Lown, Elizabeth
Milligan, Robert
Murphy, Robert
Plourde, Alphonse
Soucy, Richard
White, John

Asselin, Robert
Buckley, Raymond
Cote, David
Drabinowicz, A. Theresa
Ferguson, Charles
Haettenschwiller, Alphonse
Healy, Daniel
Johnson, Lionel
Leclerc, Charles
Lozeau, Donnalee
Mittelman, David
Nardi, Theodora
Reidy, Frank
Toomey, Kathryn

Bagley, Amy
Cepaitis, Elizabeth
Crotty, Edward
Durham, Susan
Foster, Linda
Hall, Betty
Holley, Sylvia
Kirby, Thomas
Lefebvre, Roland
Martin, Mary Ellen
Moore, Elizabeth
O'Rourke, Joanne
Smith, Leonard
Turgeon, Roland

MERRIMACK

Daneault, Gabriel
Houlahan, Thomas
Newland, Matthew
Soldati, Jennifer
Ward, Jay

Dunn, Miriam
Johnson, C. William
Owen, Derek
Teague, Bert
Whalley, Michael

French, Barbara
Johnson, Joyce May
Regan, Maurice
Trombly, Rick
Yeaton, Charles

Hall, Douglas
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita
Coes, Betsy
Gorman, Donald
Lovejoy, Marian
Pratt, Katharin
Rubin, George
Syracusa, Anthony

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Hurst, Shareene
McGovern, Cynthia
Raynowska, Bernard
Schanda, Joseph, Sr.
Terninko, Margaret

Clark, Martha
Crum, William, Jr.
Kane, Cecelia
O'Keefe, Patricia
Ritzo, Eugene
Splaine, James
Vaughn, Charles

Clark, Vivian
DiPietro, Carmela
Klemarczyk, Thaddeus
Pantelakos, Laura
Rosencrantz, James
St. Martin, Tommy
Weyler, Kenneth

STRAFFORD

Brown, George
Gilmore, Gary
Keans, Sandra
McCann, William, Jr.
Rogers, Rose Marie
Vincent, Francis

Callaghan, Frank
Hambrick, Patricia
Knowles, William
McGrath, J. Gregory
Snyder, Clair
Wall, Janet

Chagnon, Ronald
Hashem, Elaine
Loder, Suzanne
Merrill, Amanda
Sullivan, Henry
Wheeler, Katherine

Dunlap, Patricia
Hemon, Roland
Lundborn, Raymond
Merritt, Deborah
Torr, Ralph

SULLIVAN

Burling, Peter

Cloutier, John

Kane, Joan

NAYS 190**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Ziegra, Alice

Cain, Thomas
Hauck, William
Rice, Thomas, Jr.

Campbell, Richard, Jr.
Hawkins, Robert
Rosen, Ralph

Dewhirst, Glenn
Holbrook, Robert
Turner, Robert

CARROLL

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

Cogswell, Richard
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Royce, H. Charles

COOS

Foss, Frederic	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
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GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Brown, Patricia	Driscoll, William	Eaton, Stephanie	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Rose, William	Scanlan, David
Teschner, Douglass	Trefa, Richard	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick	Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara
Arnold, Thomas, Jr.	Borsa, Andrew	Bowers, Dorothy	Burke, M. Virginia
Calawa, Leon, Jr.	Cowenhoven, Garret	Daniels, Gary	Desrosiers, William
Dodge, Emma	Donovan, Francis	Drolet, Paul	Dyer, Merton
Dykstra, Leona	Fields, Dennis	Franks, Suzan	Greenberg, Gary
Holden, Carol	Holt, David	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Dana	Kelley, Robert	Kurk, Neal
Lachut, Ervin	Mason, Howard	McCann, Bonnie	McCarty, Winston
McRae, Karen	Mercer, Robert	Morello, Michael	Packard, Bonnie
Pepino, Leo	Perkins, Paul	Peters, Stanley	Rheault, Lillian
Riley, Frances	Rodgers, G. Philip	Rothaus, Finlay	Sargent, Maxwell
Searles, Stanley, Sr.	Tate, Joan	Upton, Barbara	Vanderlosk, Stanley
Weergang, Alida	Wheeler, Robert	Wright, George	

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Chandler, Earle	Chandler, John
Feuerstein, Martin	Fillion, Paul	Gross, Caroline	Holmes, Mary
Kennedy, Richard	Kidder, William	Langer, Ray	Lockwood, Robert
Nichols, Avis	Pfaff, Terence	Shaw, Randall	Stapleton, Henry
Weeks, John, Jr.	Whittemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Boucher, William	Bove, Martin	Campbell, Marilyn	Chester, Sherman
Christie, Andrew, Jr.	Conroy, Janet	Cote, Charles	Cote, Patricia
Dowd, Sandra	Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr.
Gage, Beverly	Groves, Bonnie	Hemenway, Thomas	Johnson, Bill
Johnson, Robert	Katsakiotes, George	Klemm, Arthur, Jr.	Kruse, Fred
Lee, Rebecca	Malcolm, Kenneth	McKinney, Betsy	Miller, Don
Noyes, Richard	Packard, Sherman	Pullman, Robert	Putnam, Ed, II
Senter, Marilyn	Simon, Peter	Skinner, Patricia	Smith, Arthur
Stone, Joseph	Stritch, C. Donald	Sytek, Donna	Sytek, John
Welch, David	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Douglass, Clyde	Hilliard, Dana	Kincaid, William	McKinley, Robert
Nehring, William	Pageotte, Donald	Spear, Barbara	Torr, Ann
Torr, Franklin	Wasson, Richard		

SULLIVAN

Allison, David	Behrens, Thomas	Domini, Irene	Flint, Gordon
Holl, Ann	Lindblade, Eric	Palmer, Lorraine	Peyron, Fredrik
Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol	

and the motion failed.

Report adopted.

Rep. O'Brien notified the Clerk that he wished to be recorded in favor of the motion.

Reps. Carter and Michael Hill declared a conflict of interest and did not participate.

HJR 4, stating that it is the intent of the general court that the division of public health services and the fish and game department protect the water quality of shellfish producing waters and restore shellfish resources to the public as soon as possible. **OUGHT TO PASS**

Rep. Joseph Schanda, Sr. for Wildlife and Marine Resources: The committee feels that it should be the intent of the general court that the division of public health services and the fish and game department protect the water quality of shellfish producing waters and restore shellfish resources to the public as soon as possible. Vote 11-0.

Adopted.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 22, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994, and June 30, 1995.

HB 2-FN, relative to state fees, funds, revenues and expenditures.

HB 427-FN, relative to the cost of living increases in the AFDC payment standard.

HB 455-FN, increasing the funds available for prevention programs from not less than 5 percent to not less than 6 percent of the appropriation in each fiscal year after 1994, to the division for children and youth services.

HB 613, requiring the director of the division of human services to adopt rules changing how earned income is calculated for people who receive aid to the permanently and totally disabled to be consistent with federal law.

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance.

HB 653, relative to the practice of optometry.

HB 25-A, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations.

HCR 14, urging members of Congress to oppose aspects of the proposed federal energy tax which discriminate against home heating oil consumers in the Northeast and Mid-Atlantic regions.

HJR 4, stating that it is the intent of the general court that the division of public health services and the fish and game department protect the water quality of shellfish producing waters and restore shellfish resources to the public as soon as possible.

SENATE MESSAGE

CONCURRENCE

HB 53-FN-A, repealing the credit to the business profits tax for payment of the nuclear property tax, repealing the nonseverability of the credit to the business profits tax, and reinstating the franchise tax on electric utilities.

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate bills and Enrolling Reports only.

Adopted.

The House recessed at 3:45 p.m.

RECESS

(Rep. Salatiello in the Chair)

ENROLLED BILL REPORT

HB 53, repealing the credit to the business profits tax for payment of the nuclear property tax, repealing the nonseverability of the credit to the business profits tax, and reinstating the franchise tax on electric utilities.

RECESS

(Rep. Gagnon in the Chair)

ENROLLED BILLS REPORT

HB 457, making fee splitting or accepting fees for referrals by pharmacists or pharmacies, or ownership of a pharmacy by a licensed practitioner, grounds for suspension or revocation of a pharmacy license.

RECESS

(Speaker Burns in the Chair)

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 2, 4, 35, 68, 73, 87, 93, 94, 103, 137, 139, 143, 145, 148, 154, 156, 158, 159, 162, 166, 169, 170, 176, 177, 178, 181, 192, 196, 197, 200, 209, 213, 215, 216, 222, 231, 234 and 236 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading referral

SB 2-FN, redesignating a portion of New Hampshire Route 51 as New Hampshire Route 101. (Public Works)

SB 4, relative to a capital appropriation for state house repairs. (Public Works)

SB 35-FN-A, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services and making an appropriation therefor. (Health, Human Services & Elderly Affairs)

SB 68, establishing a challenge grant to restore and preserve the Nansen ski jump facility. (Public Works)

SB 73-FN-A, making an appropriation to promote international tourism. (Resources, Recreation & Development)

SB 87, relative to capital investment, venture capital, capital access and the business finance authority and capital formation; and relative to ambulatory care clinics. (Economic Development)

SB 93-FN-A, relative to the National Science Foundation's statewide systemic initiatives program and making an appropriation therefor. (Education)

SB 94, relative to workforce development, making an appropriation to the department of post-secondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition. (Economic Development)

SB 103, relative to the construction of exit 10 on the Spaulding turnpike. (Public Works)

SB 137-FN-L, requiring municipalities to pay back to the state 50 percent of the moneys given to the municipalities as school building aid if the municipalities decide to use the buildings for purposes other than educational purposes. (Appropriations)

SB 139-FN-A, requiring the department of environmental services to design a river basin planning and assessment program and making an appropriation therefor. (Resources, Recreation & Development)

SB 143-FN, establishing a process for policy analysis of state agencies and making an appropriation therefor. (Legislative Administration)

SB 145-FN, relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers. (Regulated Revenues)

SB 148-FN, making appropriations nonlapsing for regional vocational education tuition and transportation, and allowing the Kearsarge regional school district to hold its 1994 and 1995 annual meetings in such places as the officers deem appropriate. (Education)

SB 154-A, establishing a regional vocational education center in Milford and making an appropriation therefor. (Public Works)

SB 156-FN-A, relative to the Portsmouth Naval Shipyard and making an appropriation therefor. (Appropriations)

SB 158, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund, creating a bi-state commission for economic security and allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security. (Commerce, Small Business & Consumer Affairs)

SB 159, relative to technological development, relative to inventor assistance and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport. (Economic Development)

SB 162-FN-L, authorizing the sweepstakes commission to establish video lottery games. (Regulated Revenues)

SB 166, requiring the department of transportation to continue with the Hillsborough reconstruction bypass project. (Public Works)

SB 169-FN-A, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor. (Resources, Recreation & Development)

SB 170-FN-A-L, relative to the distribution of meals and rooms tax revenue. (Ways & Means)

SB 176-FN-A-L, relative to kindergarten programs in local school districts and requiring an appropriation therefor. (Education)

SB 177-FN, relative to the Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth and the Cascade Street bridge between the city of Berlin and the town of Gorham and making an appropriation therefor. (Public Works)

SB 178-FN, allowing the state to acquire rail properties for other transportation purposes, including recreational trails and making an appropriation therefor. (Public Works)

SB 181-FN, abolishing the New Hampshire retirement system special reserve account. (Executive Departments & Administration)

SB 192-FN, relative to supplemental allowances for retirement system members. (Executive Departments & Administration)

SB 196, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefor. (Economic Development)

SB 197-FN, implementing Title V of the Clean Air Act. (Environment & Agriculture)

SB 200-FN-L, relative to the payment of medical benefits to certain group II retirement system members. (Executive Departments & Administration)

SB 209-FN-A, relative to the children's health plan and making an appropriation therefor. (Health, Human Services & Elderly Affairs)

SB 213-FN-A, relative to advance reservations on rooms. (Ways & Means)

SB 215-FN, providing a cost of living adjustment for group II permanent firemen members of the New Hampshire retirement system. (Executive Departments & Administration)

SB 216-FN-L, relative to persons and estates chargeable for support. (Health, Human Services & Elderly Affairs)

SB 222-FN-A-L, relative to property tax relief. (Appropriations)

SB 231-FN-A-L, relative to lead poisoning and control and continually appropriating a fund to the director of public health services. (Health, Human Services & Elderly Affairs)

SB 234-FN-A-L, relative to the return of revenue to cities and towns. (Appropriations)

SB 236-FN-A, allowing a tax credit against the business profits tax for certain businesses. (Economic Development)

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 21

Thursday, April 22, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Susan Hoffman, Pastor of Whitefield Methodist Church.

Merciful and loving God, we come to this moment seeking a quiet minute with You. In this place so often filled with confusion and stress we ask that You grant us a stillness of heart and a quietness in Thy presence. Help us to focus on the work at hand that it will serve Your people and Your plan for harmony and peace.

Gracious God, You have given us much, the seasons through which we move; the life which we celebrate; the relationships which we honor; the responsibilities which we take up. For all this, we give You thanks. In the midst of our thankfulness, we acknowledge and seek Your continued support.

For those who are ill, we seek a healing touch. For those facing new challenges, we ask Your guidance. For those in confusion and turmoil, we ask Your peace.

O, God of us all, as we move through this day, help us, guide us, challenge us and rejoice within this day You have made. Amen.

Rep. Franklin Torr led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Chase, George Brown, Rice, McNerney and O'Keefe, the day, illness.

Reps. Behrens, Fenton, Christie, Burling, Laflam, Weyler, Katherine Wheeler, Peters, Dowling, O'Rourke, Hazelton, Paul White, Champagne, McKinley, Asselin and David Young, the day, important business.

INTRODUCTION OF GUESTS

Muriel Brungard, sister of Rep. Sallada. Orson Smith, father of Rep. Edwin Smith. Ellen Lowe, guest of Rep. Avery. Sean and John Boyle, cousins of Rep. Terninko. Barbara Kingsbury and Nathan and Lotte Bonneau, mother and children of Rep. Bonneau and wife and grandchildren of Rep. Kingsbury.

RESOLUTION

Its introduction having been approved by the Rules Committee,

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 22, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION**First, second reading and referral**

HR 22, relative to the U.S. **FIRST** competition. (Franks, Hills/26; Buckley, Hills/44; Burling, Sull/1; Trelfa, Graf/2; Jasper, Hills/23, to Economic Development)

EXTENSIONS

The Committee on Commerce, Small Business & Consumer Affairs requested 14-calendar-day extensions on:

SB 5, repealing article 6 of the uniform commercial code on bulk sales and making conforming amendments.

SB 9, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9.

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting article 4a of the uniform commercial code.

Granted.

The Committee on Labor, Industrial & Rehabilitative Services requested 21-calendar-day extensions on:

SB 52, relative to workers' compensation liability insurance and return of insurance premiums.

SB 107, excluding services performed by real estate appraisers from the definition of "employment" for purposes of the unemployment compensation law.

SB 223, allowing appeals of permanent impairment awards to the compensation appeals board.

SB 240, relative to workers' compensation appeals board.

The Committee on Transportation requested a 14-calendar-day extension on **SB 194**, relative to seatbelt legislation.

Granted.

ENROLLED BILLS REPORT

HB 351, relative to the positions of town clerk, town treasurer, and tax collector and the terms for such positions.

HB 354, relative to electing planning board members in towns without a town council form of government.

HB 364, relative to the practice of architecture.

HB 443, relative to the applicability of the state-federal unemployment compensation extended benefit program and relative to the status of the commissioner of the department of employment security as an interested party in cases in controversy at the administrative level.

HB 470, allowing selectmen or assessors to abate interest accrued on property taxes.

HB 499, changing a reference to a veterans organization and the qualifications for veterans' property tax credits.

HB 506, expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals.

HB 603, relative to energy efficiency in state facilities.

HB 620, relative to unemployment benefits for domestic workers.

HJR 2, expressing the opposition of the general court to federal mandate legislation and asserting its right to determine and impose appropriate sanctions upon the driving privileges of offenders within its own boundaries.

SB 11, allowing 15-year-old persons to bus tables in dining rooms.

SB 13, extending the reporting date of the committee studying the effects of substance abuse on health care and economic costs to the state.

SB 14, relative to package deals sponsored by liquor licensees.

SB 18, increasing the amount of damage required to necessitate reporting a boating accident.

SB 20, relative to representation of business organizations in small claims court.

SB 37, adding and redefining terms relative to the New Hampshire pharmacy board.

SB 38, protecting against unauthorized access to teacher certification records.

SB 41, permitting selectmen to accept dedicated streets which have been approved by the planning board.

SB 46, relative to involuntary transfer or discharge of patients in health care facilities.

SB 56, relative to coverage for intra-family or inter-spousal claims under liability insurance policies.

SB 64, extending the reporting date of the committee to study head injury cases.

SB 75, allowing a property tax exemption for solar-powered electricity.

SB 80, restricting the use of motorized craft on Goose Pond in Keene and Turee Pond in Bow.

SB 114, relative to minors' settlements.

SB 116, relative to reporting of treatment or assistance given to victims of domestic abuse and requiring physicians and hospitals to use domestic violence protocol as adopted by the department of justice.

SB 123, relative to protection from infection by the human immunodeficiency virus and the hepatitis B virus.

SB 125, changing the name of the task force established for women at risk for alcohol and other abuse during pregnancy.

SB 131, extending the reporting date for the committee studying gender equity in sports.

SB 142, intercepting the sweepstakes winnings of delinquent child support payors.

SB 190, naming the Route 25 rest area in the town of Rumney as the Nathan Clifford Memorial Rest Area.

SB 221, relative to grandparents' visitation rights.

Sen. Currier, Rep. Dunn for the Committee

ENROLLED BILL AMENDMENT

HB 312, relative to protecting New Hampshire's heritage landmarks and establishing a review process.

Amendment (2446B)

Amend RSA 224-C:25 and 26 as inserted by section 3 of the bill by renumbering said sections to read as 227-C:25 and 227-C:26, respectively.

Adopted.

SENATE MESSAGES

CONCURRENCE WITH AMENDMENTS

SB 11, allowing 15-year-old persons to bus tables in dining rooms.

SB 14, relative to package deals sponsored by liquor licensees.

SB 44, adding to the membership of the emergency shelter commission and the Christa McAuliffe planetarium commission.

SB 98, relative to fees charged for processing and approval of residential mortgage loan applications.

SB 116, relative to reporting of treatment or assistance given to victims of domestic abuse and requiring physicians and hospitals to use domestic violence protocol as adopted by the department of justice.

SB 186-FN, requiring the division of water supply and pollution control to set standards of design and construction for innovative or alternative waste treatment systems.

SB 217-FN, clarifying the laws relative to guardianship and expanding a guardian's powers.

SCR 1, in support of alternative transportation.

CONCURRENCE

HB 141-FN, modifying the acid deposition control program.

HB 152, changing the time period within which a claim may be submitted against the state.

HB 237, requiring sporting clubs to recommend members to the fish and game commission.

HB 271, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws.

HB 322, requiring insurers to provide insureds with a statement reflecting the dollar amount of allowable benefit for medical procedures.

HB 369, requiring the commissioner of the department of environmental services and the director of public health services to study the issue of radon levels in the state of New Hampshire.

HB 376, relative to the election by nonprofit corporations and municipalities to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund.

HB 418, relative to costs of prevailing employees under the workers' compensation law.

HB 478-L, allowing municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption.

HB 655-FN, requiring the legislature to participate in the waste reduction and recycling program.

HB 669-FN, transferring the right to appeal in certain cases from a decision of the labor commissioner on workers' compensation from the superior court to the compensation appeals board.

HCR 12, calling for the repeal of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court.

HCR 13, urging the cities and towns of New Hampshire to adopt recycling programs.

NONCONCURRENCE

HB 191, establishing a committee to study physician liability with regard to charitable medical care.

HB 208, relative to protecting personal privacy.

HB 578, repealing the requirement that grandparents pay all costs arising out of petitions for visitation with their grandchildren.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 169-L, allowing town and school district meetings to be held outside the town or school district. (Amendment printed SJ 13, 4/8/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 153, prohibiting the buying and selling of bear. (Amendment printed SJ 11, 3/25/93)

Rep. Drake moved that the House concur.

Adopted.

PRESENTATION

The Speaker presented a Declaration to head librarian Ann Geisel, in celebration of the 160th anniversary of the Peterborough Town Library.

(Rep. Michael Hill in the Chair)

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 117, relative to the appointment of and payment of fees to guardians ad litem, was removed at the request of Rep. Hemon.

SB 239-FN-L, relative to the public utilities commission, was removed at the request of Rep. Bonnie McCann.

Consent Calendar adopted.

SB 62, establishing a committee to study child support issues. **OUGHT TO PASS WITH AMENDMENT**

Rep. Deborah L. Woods for Children, Youth and Juvenile Justice: The committee unanimously supports this legislation. The amendment adds two additional members of the public and a guardian ad litem to the study committee. Vote 16-0.

Amendment (2314B)

Amend paragraphs VI and VII as inserted by section 1 of the bill by replacing them with the following:

VI. Two public members representing the interests of custodial parents, appointed by the governor.

VII. Two public members representing the interests of non-custodial parents, appointed by the governor.

Amend section 1 of the bill by inserting after paragraph IX the following:

X. One guardian ad litem who has experience with child custody and support cases, appointed by the chief justice of the superior court.

SB 7, changing the bonding requirement for mortgage brokers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill gives the bank commissioner a way of controlling mortgage brokers. The amount of the bond required is based upon testimony as to the amounts of money handled by mortgage brokers. In some cases, the sums are substantial. Vote 13-0.

Amendment (2354B)

Amend RSA 397-A:5, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Each applicant shall be required to submit to the banking department detailed financial information sufficient for the bank commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. At a minimum, each *mortgage banker* applicant must demonstrate a net worth of \$100,000 or shall post surety or insurance in said amount as determined by rules adopted by the bank commissioner. *At a minimum, each mortgage broker, or any person not funding a loan, shall provide a surety bond in the amount of \$50,000 to the bank commissioner.*

AMENDED ANALYSIS

Currently, an applicant for a mortgage broker's or mortgage banker's license must demonstrate a net worth of \$100,000 or post surety or insurance in that amount with the banking department. This bill requires that an applicant for a mortgage broker's license must, at a minimum, post a surety bond in the amount of \$50,000.

SB 25, relative to charitable gifts of life insurance. OUGHT TO PASS WITH AMENDMENT

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: This bill allows life insurance policies to be issued in which the person paying the premium has no insurable interest in the life of the insured provided that a charitable, benevolent, educational, or religious institution is designated as the irrevocable owner and beneficiary of the policy. The bill also allows life insurance policies to be issued in which the person paying the premium is designated as the owner and the policy insures the life of the owner and designates a charitable, benevolent, educational, or religious institution as the irrevocable beneficiary. Vote 11-0.

Amendment (2358B)

Amend RSA 408:2-a as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. No life insurance policy may be issued under this section unless the insured has consented in writing to the issuance of such policy.

SB 53, relative to third party administrators. OUGHT TO PASS WITH AMENDMENT

Rep. Suzanne K. Loder for Commerce, Small Business and Consumer Affairs: This bill is a National Association of Insurance Commissioners model introduced at the request of the Insurance Department. It regulates third-party administrators and allows the Insurance Department to audit said administrators. Self-funded insurance groups hire third-party administrators to oversee their functions. The amendment excludes entities under sections 115 and 501 of the Internal Revenue Service Code and the New Hampshire Municipal Association which comes under R.S.A. 5-B. Vote 12-0.

Amendment (2130B)

Amend RSA 402-H:1, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Any person, corporation, partnership, or other entity exempt from taxation under section 115 or section 501 of the Internal Revenue code, its respective officers, employees, directors, partners, shareholders, trustees acting pursuant to the organization of the entity, or custodian and the custodian's agents or employees acting pursuant to a custodial account which meets the requirements of section 401(f) of the Internal Revenue Code, or a subsidiary or affiliated corporation of such entities.

Amend RSA 402-H:1, I as inserted by section 1 of the bill by inserting after subparagraph (m) the following new subparagraph:

(n) A pooled risk management program operated pursuant to RSA 5-B.

AMENDED ANALYSIS

This bill regulates third party administrators in the insurance field.

SB 57, relative to accreditation under the insurance laws. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill, by request of the Insurance Department, makes technical corrections to the insurance laws regarding

accreditation by the National Association of Insurance Commissioners. Vote 13-0.

Amendment (2226B)

Amend RSA 401-B:2, III(d) as inserted by section 3 of the bill by replacing it with the following:

(d) With the approval of the commissioner, any domestic insurer may invest any greater amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries, provided that after such investment the insurer's surplus as regards policyholders shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

Amend RSA 401-B:5, II-a as inserted by section 4 of the bill by replacing it with the following:

II-a. ALL OTHER DIVIDENDS AND DISTRIBUTIONS. No domestic insurer shall pay any dividend or make any distribution to its shareholders unless the insurer has notified the commissioner of such payment 15 days prior to the payment date. Such notice shall be kept confidential by the commissioner until the payment date of the dividend. The commissioner may order that a dividend not be paid if the commissioner finds that the insurer's surplus as regards policyholders following the payment to shareholders would be inadequate or could lead the insurer to a hazardous financial condition.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

I. Section 4 of this act shall take effect October 1, 1993.

II. The remainder of this act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill makes technical corrections to the insurance laws regarding accreditation.

SB 230-FN, relative to sprinkler systems in residential care homes and supported residential care facilities. RE-REFER TO COMMITTEE

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: This bill would authorize operators of residential care homes to apply for loans from the New Hampshire Housing Authority in order to equip such facilities with appropriate fire safety equipment, including sprinkler systems. The authority would adopt rules to administer this bill. The New Hampshire Housing Authority does not have money to do what the bill asks. The executive director would be delighted to administer the program if there was available funding. Having checked with the members of the House Appropriations Committee, the subcommittee was told there would be no money available this year. The committee thinks this bill has merit and does not want to kill it and would like to keep it until next year and bring it back when funds are perhaps available. Vote 13-0.

SB 50, extending the report date and adding additional members to the law enforcement and prosecutor task force. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This bill corrects an oversight from last year's act establishing a task force to study prosecution of sex crimes by adding legislative members to the committee and by extending the reporting date. The amendment adds district court judges to the task force. Vote 17-0.

Amendment (2201B)

Amend the bill by replacing the amending language of section 1 with the following:

1 New Paragraphs; Committee Members Added. Amend 1992, 110:2, by inserting after paragraph XV the following new paragraphs:

Amend 1992, 110:2, XVIII as inserted by section 1 of the bill by replacing it with the following:

XVIII. Three members from the division for children and youth services including one from the youth development center, one from the district office, and one from the state office, appointed by the governor.

XIX. Two district court judges, appointed by the chief justice of the district court.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Chairperson of Committee. Amend 1992, 110:3 to read as follows:

110:3 Chair; Meetings. The first meeting of the committee shall be called by the member who is a justice of the superior court. The chair of the committee shall be *a member of the general court and shall be* chosen by the members at the first meeting.

AMENDED ANALYSIS

This bill extends the report date and adds additional members to the law enforcement and prosecutor task force. This bill also requires that the chairperson of the task force be a member of the general court.

SB 60, relative to solicitation of prostitutes. OUGHT TO PASS WITH AMENDMENT

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: Senate Bill 60 is intended to confirm last year's decision to include "Johns" in the statute relating to prostitutes. There is question with regard to definitions and this bill clarifies these issues. The amendment is to clearly address both the prostitutes and their customers. It is believed that this clarification will allow our communities the chance to make a positive step in curtailing their dilemma. Vote 12-0.

Amendment (2087B)

Amend the bill by replacing all after the enacting clause with the following:

1 Prostitution; Definition Modified. Amend RSA 645:2, I(a) to read as follows:

(a) Solicits or engages in *sexual contact as defined in RSA 632-A:1, IV or* sexual penetration as defined in RSA 632-A:1, V, in return for consideration; or

2 Prostitution; Definition Modified. Amend RSA 645:2, I(f) to read as follows:

(f) Pays, agrees to pay, or offers to pay another person to engage in sexual [conduct] *contact as defined in RSA 632-A:1, IV or sexual penetration as defined in RSA 632-A:1, V*, with the payor or with another person.

3 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill makes a person guilty of a misdemeanor if such person pays, agrees to pay or offers to pay another person to engage in sexual contact or sexual penetration with the payor or another person. Current law refers only to sexual conduct.

This bill also makes a person guilty of a misdemeanor if such person solicits or engages in sexual contact or sexual penetration in return for consideration. Current law refers only to sexual penetration.

SB 124, relative to the operations of state correctional facilities. INEXPEDIENT TO LEGISLATE

Rep. Donnalee M. Lozeau for Corrections and Criminal Justice: This is yet another bill to study matters relating to corrections. The committee feels this responsibility can be best carried out by the legislative committee. Vote 17-0.

SB 173, creating a correctional industries advisory board. OUGHT TO PASS WITH AMENDMENT

Rep. Donna P. Sytek for Corrections and Criminal Justice: The LBA audit of the state prison last year recommended that the Commissioner of Corrections secure advice from public and private sector experts on improving all aspects of prison industries. This bill establishes such an advisory committee with representation from business, labor, education, economic development and administrative services. The amendment corrects a drafting error in the bill. Vote 16-0.

Amendment (2304B)

Amend RSA 622:28-B, II(a)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) The commissioner of the department of resources and economic development.

SB 175-FN, relative to a compact between New Hampshire and other states and probationers and parolees. OUGHT TO PASS

Rep. Vivian R. Clark for Corrections and Criminal Justice: An already existing compact between states permits a parolee from one state to live in and be supervised by another state.

This bill allows the receiving state to conduct any hearings required if such parolee is arrested for violation of that parole. Vote 17-0.

SB 248-FN-A, establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in southern New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzan L. Franks for Economic Development: Interest has been rising in New Hampshire as a desirable site for numerous regional or national oriented profit and non-profit activities. SB 248 as amended establishes a study committee to not only address a number of specific interests, but also to determine the feasibility of a multi-purpose convention center. Vote 13-0.

Amendment (2394B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in New Hampshire.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a study committee to examine and review the feasibility of locating a convention center, conference complex, sports stadium or a combination of any of these facilities in New Hampshire.

2 Membership. The committee shall consist of:

- I. The governor or designee.
- II. Two members of the senate, appointed by the senate president.
- III. Two members of the house of representatives, appointed by the speaker of the house.
- IV. The director of the office of state planning or designee.
- V. The commissioner of the department of resources and economic development or designee.
- VI. One appointee by the board of directors of the business finance authority.
- VII. The executive director of the Greater Nashua Regional Planning Commission or designee.
- VIII. The executive director of the Rockingham Regional Planning Commission or designee.
- IX. The executive director of the Southern New Hampshire Regional Planning Commission or designee.
- X. The executive director of the North County Council or designee.
- XI. The executive director of the Lakes Region Planning Commission or designee.
- XII. The executive director of the Upper Valley Lake Sunapee Region Planning Commission or designee.
- XIII. The executive director of the Southwest Region Planning Commission or designee.
- XIV. The executive director of the Central New Hampshire Regional Planning Commission or designee.
- XV. The executive director of the Strafford Regional Planning Commission or designee.
- XVI. The secretary of state or designee.
- XVII. A representative of the banking industry, appointed by the governor.
- XVIII. A representative of the construction industry, appointed by the governor.
- XIX. A representative of a construction trades union, appointed by the governor.
- XX. The commissioner of the department of transportation or designee.
- XXI. The state treasurer or designee.
- XXII. A representative of the hospitality industry, appointed by the governor.

3 Duties of the Committee. The committee shall:

- I. Study and make recommendations regarding the feasibility of locating a convention center, conference complex, sports stadium or combination center in New Hampshire.
- II. Determine possible locations in New Hampshire for the location of a convention center, conference complex, sports stadium or combination of any of these facilities.
- III. Determine the possible interests of professional sports franchises to locate to such a location.

IV. Study and make recommendations regarding financing relationships including whether such relationships should be private, public, or a combination of both private and public.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of locating a convention center, conference complex, sports stadium or a combination of any of these facilities in New Hampshire.

SB 17-FN-A, establishing a committee to study methods of preventing and resolving disputes relative to educationally disabled students. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan D. Carter for Education: This bill continues the committee studying dispute resolution relating to educationally disabled students and charges the committee to look also at methods of dispute prevention. Three members are added. The fiscal note does not apply as the senate amendment removed the need for it. Vote 17-0.

Amendment (2260B)

Amend the bill by replacing section 1 with the following:

1 Committee Established. A committee is hereby established to study methods of preventing and resolving disputes in relation to educationally disabled students. To the extent possible, the committee members appointed shall be the same members as those appointed pursuant to 1992, 114:3. The committee shall consist of the following members:

I. Two representatives, appointed by the speaker of the house.

II. Two senators, appointed by the president of the senate.

III. One school superintendent, appointed by the New Hampshire School Administrators Association.

IV. One special education director, appointed by the New Hampshire Association of Special Education Administrators.

V. One member of the state board of education, appointed by the chairman of the state board of education.

VI. One representative of the Disabilities Rights Center, Inc., appointed by the executive director.

VII. One representative of the Parent Information Center, appointed by the executive director.

VIII. One representative of the Learning Disabilities Association, appointed by the president.

IX. One school board member, appointed by the New Hampshire School Boards Association.

X. One principal, appointed by the New Hampshire Principals Association.

XI. One parent advocate, appointed by the State Advisory Council required by the Individuals with Disabilities Education Act.

XII. One pediatrician, appointed by the president of the American Academy of Pediatrics, New Hampshire Chapter.

XIII. The commissioner of education, or designee.

XIV. One representative of the Developmental Disabilities Council, appointed by the chairman of the council.

XV. Two elementary teachers, one of whom shall be a special education classroom teacher, and one of whom shall be a regular education classroom teacher who is experienced in the mainstreaming of special education students, appointed by the commissioner of education.

SB 31, repealing sections referring to the loyalty oath requirement which was repealed last year. **OUGHT TO PASS**

Rep. William A. Riley for Education: This bill addresses a repealed section of RSA 191 which required a teachers' loyalty oath to the Constitution of the State of New Hampshire. Since the oath is no longer required, it makes little sense to retain these provisions. Vote 17-0.

SB 92-FN, to rename the school for lifelong learning of the university system of New Hampshire, the college for lifelong learning of the university system of New Hampshire. **OUGHT TO PASS**

Rep. Bert Teague for Education: This bill changes the name of the School of Lifelong Learning to the College of Lifelong Learning. The change would be fair to students and graduates and shows respect for their accomplishments by making it clear to all that it is a college which offers higher degrees at the associate and bachelor level. Changing the name from school to college will serve the interest of the state as we work towards developing the educated workforce we need in the competitive global economy. Vote 17-0.

SB 180-FN-L, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia B. Brown for Education: SB 180-FN-L makes technical changes in education-related laws either to make the intent of the statutes clearer or to update a law to reflect current practice. Among these "housekeeping" measures is a provision to allow charges on returned checks that reflect costs incurred, removal of a reference to "consultant" where they are no longer applicable in this instance and classification of the purchase of rehabilitative equipment. It also defines school attendance and membership terms for cooperative school districts. A new paragraph has been inserted in the law stating that the cooperative school district, not the pre-existing district, shall be liable for the cost of educating children placed in a group home, provided that the provisions of RSA 193:29 shall apply to children receiving special education. Vote 17-0.

Amendment (2091B)

Amend the bill by replacing all after the enacting clause with the following:

1 Return of Checks, Drafts and Money Orders; Fee. Amend RSA 6:11-a, I to read as follows:

I. Any check, draft or money order received by any state department or institution for the payment of a fee, license or product which is returned to the state department or institution as uncollectable may be returned to the sender and not deposited with the state treasurer. Whenever any check, draft or money order issued in payment of any fee or for any other purpose is returned to any state department or institution as uncollectable, the department or institution [shall] *may* charge a fee of [\$10] **\$25**, or 5 percent of the face amount of the check, whichever is the greater, plus all protest and bank fees, in addition to the amount of the check, draft or money order to the person presenting the check, draft or money order to the department or institution to cover the costs of collection.

2 Return of Checks, Drafts and Money Orders; Fee. Amend RSA 6:11-a, III to read as follows:

III. The department or institution may charge a fee, if appropriate, of [at least \$10] **\$25** plus all protest and bank fees, if any, to the person presenting an application, check, draft or money order which is unacceptable to a state department or institution, as provided in paragraph II.

3 Purchase of Client Rehabilitative Equipment; Exemptions. Amend RSA 21-I:18, I(h) to read as follows:

(h) The purchase of client rehabilitative equipment [and], supplies *and services* for disabled persons by the division of vocational rehabilitation, including adaptive equipment as provided by RSA 200-C:16, shall not be subject to the provisions of this chapter.

4 "Teacher Consultant" Deleted. Amend RSA 189:43, II to read as follows:

II. The school board of each school administrative unit shall appoint a superintendent and, upon nomination by the superintendent of schools, appoint one or more assistant superintendents, [teacher consultants,] and business administrators.

5 New Section; Definitions. Amend RSA 189 by inserting after section 1-c the following new section:

189:1-d Definitions. In this chapter:

I. "Average daily attendance" means the aggregate half-day attendance divided by the number of half-days actually in session for a given school district in a given school year.

II. "Average daily membership" means the aggregate half-day membership divided by the number of half-days actually in session for a given school district in a given school year.

III. "Average daily membership in attendance" means the aggregate half-day membership of the students in attendance divided by the number of half-days actually in session for a given school district in a given school year.

IV. "Average daily membership in residence" means the average daily membership of students enrolled in public schools within the district or students whose tuition is being paid by the district to another approved public or private school for a given school district in a given school year.

6 Weighted Voting; Enrollment. Amend RSA 189:46 to read as follows:

189:46 Weighted Voting. In all votes regarding school administrative unit affairs, including organizing of such unit school board and selection of officers, each district shall be entitled to one vote for each 16 pupils residing in that district and enrolled in schools under the administrative unit. A balance of 8 or more students shall entitle that district to an additional vote. Less than 8 students would have no net effect on a district's vote. Enrollments shall be based on the average daily membership[, as determined by the department of education's General Fall Report (form A12A or its successor) for the current school year] *in residence of each district for the school year which ended in the preceding June*. Weighted votes shall only be used upon the demand of a majority of the members of any board present and voting in the school administrative unit. The school board members present at a school administrative unit school board meeting shall be entitled to cast the entire number of votes assigned to their school districts, provided that each representative present shall be entitled to a proportionate share of the total to be cast as provided in RSA 189:45.

7 Right of Attendance; Child Placed in a Group Home. Amend RSA 193:28 to read as follows:

193:28 Right of Attendance. Whenever any child is placed and cared for in any home for children, such child, if of school age, shall be entitled to attend the public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside said district to attend such schools, *provided that the school district for a child placed in a group home, as defined in RSA 170-E:25, II(b) within a cooperative school district, shall be the cooperative school district, not the pre-existing district within the cooperative*.

8 New Paragraph; Liability for Education of Children in Group Homes. Amend RSA 193:29 by inserting after paragraph IV the following new paragraph:

V. The cooperative school district, not the pre-existing district, shall be liable for the cost associated with the education of children placed in a group home, as defined in RSA 170-E:25, II(b), within such cooperative school district provided, however, that the provisions of RSA 193:29, I(a) shall apply to children receiving special education.

9 Repeal. The following are repealed:

I. RSA 186:11, XX, relative to the board submitting a report.

II. RSA 186:11, XXI, relative to distribution of the board's report.

III. RSA 189:43, III, relative to teacher consultants.

10 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill increases the minimum amount charged by the state on returned checks and drafts; adds services relating to client rehabilitation to an exemption from the department of administrative services requirements for purchase of supplies; deletes references to teacher consultants and submission and distribution of a report by the board; and changes the enrollment basis relating to weighted voting.

This bill also defines school attendance and membership terms and specifies liability for the education costs for children placed in group homes located within a cooperative school district.

This legislation was requested by the department of education.

Referred to Ways and Means.

SB 160, relative to qualifications for unemployment benefits. OUGHT TO PASS WITH AMENDMENT

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill allows an individual who terminates employment in good faith to accept better full-time employment to be eligible for unemployment compensation if that individual becomes unemployed because of unavailability of work within the first 5 weeks of unemployment. Vote 12-0.

Amendment (2211B)

Amend RSA 282-A:32, I(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) An individual terminates employment in good faith to accept better full-time employment, which is to begin within a reasonable period, and subsequently becomes unemployed from such employment due to unavailability of work before earning the requalifying wages set forth in subparagraph (a)(1). Notwithstanding any other provision of this chapter, such subsequent employer shall be deemed to be that individual's most recent employer;

AMENDED ANALYSIS

This act allows certain individuals, who in good faith voluntarily terminated their former employment for a better full-time employment situation and have subsequently become unemployed from that employment due to unavailability of work before earning enough requalifying wages to be eligible for unemployment, to collect unemployment benefits.

SB 132, relative to the Revised Statutes Annotated, and creating a committee to study the rulemaking process. OUGHT TO PASS WITH AMENDMENT

Rep. Paul R. Fillion for Legislative Administration: This bill provides a technical clarification relating to the publication of the Revised Statutes Annotated. The bill also calls for the creation of a committee to study all aspects of the Administrative Procedures Act. RSA 541-A needs to work more smoothly and more efficiently. Vote 11-0.

Amendment (2250B)

Amend subparagraph II(f) of section 2 of the bill by replacing it with the following:

(f) One ex officio member representing the governor, appointed by the governor.

Amend paragraph III of section 2 of the bill by replacing it with the following:

III. Duties.

(a) The committee shall have the authority to study all aspects of the rulemaking process.

This study shall include, but shall not be limited to:

(1) How to delegate legislative authority in a clear and consistent manner; how specific grants of legislative authority should be granted versus how much should be left to the agencies' discretion; the granting of rulemaking authority to boards or commissions versus a single administrative official; and to whom and at what level within each agency rulemaking authority is delegated.

(2) The provisions of the administrative procedures act relative to legislative oversight and the rulemaking process; recodifying and revising the laws regarding the requirements and procedures for legislative oversight of state agency administrative rules; filing and procedural requirements; style and format requirements; and ensuring public access to rules and the rule-making process.

(3) The adoption of legislation which would establish a process and options for resolving legislative and executive disagreements over agency rules, including an option to take legislative action to temporarily or permanently block the adoption of an agency rule, as an alternative to or in addition to the final objection procedure currently available to the joint legislative committee on administrative rules.

(b) The committee shall have full power and authority to require from the several departments, agencies, and officials of the state and the political subdivisions of the state such information and assistance as it may deem necessary.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill clarifies that it is the official Revised Statutes Annotated for which the director of legislative services is authorized to contract for the editorial preparation, publication, distribution and sale of original, replacement or revised volumes of the Revised Statutes Annotated and periodic supplements thereto.

The bill also establishes a committee to study all aspects of the rulemaking process. The study shall include, but shall not be limited to, the delegation by the general court of rulemaking

authority to state agencies, the provisions of the administrative procedures act relative to legislative oversight of agency rules and the rulemaking process, and the adoption of legislation which would establish a process and options for resolving legislative and executive disagreements over agency rules, including an option to take legislative action to temporarily or permanently block the adoption of an agency rule, as an alternative to or in addition to the final objection procedure currently available to the joint legislative committee on administrative rules. The committee shall complete its report and proposed legislation by November 1, 1993, for submission to the 1994 session of the general court.

SB 72, relative to central business service districts. OUGHT TO PASS WITH AMENDMENT

Rep. Elizabeth A. Cepaitis for Municipal and County Government: Those municipalities which have a central business service district are currently restricted in the method of assessing businesses operating in that location. At present, the method required for use is based on linear foot frontage in the district. This bill allows the use of this method or some other formula which would be more appropriate to the district. Businesses do not necessarily benefit by the length of frontage and this bill addresses that problem. The amendment allows municipalities of differing sizes to own parking facilities. Vote 16-0.

Amendment (1745B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to central business service districts and
relative to the definition of "municipality."

Amend the bill by replacing all after section 1 with the following:

2 Definition of Municipality. Amend RSA 231:115, IV to read as follows:

IV. "Municipality" or "municipalities" shall include any city or town in the state [having a population in excess of 50,000 as determined by the last published federal census preceding the adoption of this chapter by any such town or city].

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows municipalities to determine the formula to be used in determining assessments to be made against property owners in central business service districts.

The bill also redefines the term "municipality," for the purposes of an RSA subdivision governing public parking facilities, to include all cities and towns in the state. Under current law, the term "municipality," when used in reference to public parking facilities, applies only to towns or cities having a population in excess of 50,000.

SB 127, requiring that certain electric utility savings as a result of debt refinancings using tax-exempt pollution control revenue bonds be used for investment in energy conservation and efficiency. OUGHT TO PASS WITH AMENDMENT

Rep. Clifton C. Below for Science, Technology and Energy: This bill deals with a situation that is unique to PSNH as a result of the rate agreement authorized by RSA 362-C to help bring them out of bankruptcy. PSNH has \$154 Million in taxable pollution control bonds which they would like to convert to tax exempt status using B.F.A. bonding capacity. Normally, savings in interest costs resulting from such refinancings would accrue to ratepayers through rate regulation by the P.U.C. However, without this bill, all such savings would go to PSNH/NU for the rest of the fixed rate period ending in 1997. This bill requires that as a condition of any such future refinancings by the B.F.A., at least half of the resulting savings for the remainder of the fixed rate period (which could be up to \$850,000/year) be invested by PSNH in energy conservation and special economic development programs as approved by the P.U.C. and without any cost to ratepayers. Vote 9-0.

Amendment (2330B)

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Intent.

I. On November 18, 1992, the business finance authority ("BFA") authorized a refinancing of \$75,000,000 of pollution control revenue bonds for Public Service Company of New

Hampshire ("PSNH"). The conversion from taxable to tax-exempt status has resulted in an estimated savings of \$825,000 per year in interest costs to PSNH.

II. PSNH has outstanding an additional \$154,000,000 in taxable pollution control bonds which it hopes to convert to tax-exempt status under BFA bonding capacity in the future. Any such additional refinancings would result in substantial additional savings to PSNH in interest costs.

III. The rate agreement between the state and Northeast Utilities ("NU") which was approved by the New Hampshire Public Utilities Commission ("PUC") on July 20, 1990 and authorized by RSA 362-C and the NU reorganization plan to resolve the bankruptcy of PSNH did not make any provision for ratepayers to share in the savings that result from refinancings during the fixed rate period ending in 1997, which will result in a financial benefit for NU, the owner of PSNH. At the end of the fixed rate period interest cost savings should accrue to ratepayers through normal rate base review and rate regulation by the PUC.

IV. The PUC approval of the rate agreement provided for only \$1.167 million in PSNH expenditures to be used for conservation and load management which increases by 5.5 percent each year for the remainder of the fixed rate period. This is the lowest per customer expenditure for conservation and load management of any major electric utility in New Hampshire.

V. By directing that at least half of the interest savings that result from such tax-exempt refinancings be invested in measures as delineated in section 2 of this act, the legislature will help stimulate investments that will result in a more efficient electric system and the efficient economic development of New Hampshire without raising electric rates.

VI. The general court finds that sufficient public benefit will be realized with the conditions provided for in this act to recommend to the BFA that further conversions of taxable PSNH bonds to tax exempt status be considered and encouraged.

2 Investment of Savings from Debt Refinancing in Energy Conservation; Efficiency and Economic Development Required.

I. For any savings generated by refinancings authorized by the BFA after the effective date of this act and until the end of the fixed rate period, PSNH shall file with the PUC a proposal for investment of at least 1/2 of the savings that result from the BFA's refinancing of PSNH taxable debt with tax-exempt pollution control bonds, as referenced in paragraph II of section 1. The PUC shall approve an investment plan under which PSNH makes expenditures for one or all of the following:

(a) To reduce negative environmental impacts and pollution by investment in energy conservation measures for customers, consistent with its conservation and load management plan and least cost integrated resources plan;

(b) Energy efficiency measures in PSNH's generation, transmission and distribution systems, consistent with its least cost integrated resources plan;

(c) Economic development programs in cooperation with such programs approved or carried out by the department of resources and economic development.

II. Such investments shall benefit ratepayers and stimulate a more efficient electric system and the efficient economic development of New Hampshire, without any rate increase to ratepayers, as provided for under section 5(a)(V)(A) of the rate agreement.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that at least half of the savings as a result of a specific debt refinancing using tax-exempt pollution control revenue bonds shall be used by the electric utility to invest in energy conservation, economic development and efficiency.

SB 187-FN, relative to public utility ratemaking. OUGHT TO PASS WITH AMENDMENT
Rep. Richard L. Cogswell for Science, Technology and Energy: The amendment provides codification of the used and useful and prudent concept, as applied to permanent rates. Vote 8-1.

Amendment (2106B)

Amend the bill by replacing all after the enacting clause with the following:

1 Costs of Capital Improvements. Amend RSA 378:28 to read as follows:

378:28 Permanent Rates. So far as possible, the provisions of RSA 378:27 shall be applied by the commission in fixing and determining permanent rates, as well as temporary rates. *The commission shall not include in permanent rates any return on any plant, equipment, or capital improvement which has not first been found by the commission to be prudent, used, and useful.* Nothing [herein] contained in this section shall preclude the commission from receiving and considering any evidence which may be pertinent and material to the determination of a just and reasonable rate base and a just and reasonable rate of return thereon.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the public utilities commission to determine if a capital improvement is prudent, used and useful before a utility may include the expense in its permanent rates.

SB 152, relative to the real estate transfer tax assessment when a deed is given in lieu of a foreclosure. **OUGHT TO PASS**

Rep. John F. Weeks for Ways and Means: Lack of clarity in current law has caused confusion and disputes among attorneys and mortgage lenders about how to define transaction value, and thus the amount of real estate transfer tax due, when a distressed borrower agrees to transfer deed in lieu of foreclosure. This bill more narrowly defines the price when this occurs as being the amount by which the debt or obligation of the borrower is reduced or assumed by the lender in exchange for the mortgaged real estate. The committee agrees unanimously that in today's troubled real estate market clarification of the statute is needed. Vote 14-0.

SB 49, establishing a committee to study the feasibility of establishing a commercial shellfish and oyster aquaculture program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda Ann Smith for Wildlife and Marine Resources: This bill, with amendment, (to be effective upon passage) establishes a committee to study the feasibility of establishing a commercial shellfish and oyster aquaculture program. The committee recognizes the importance of shellfish waters and the benefits of such a program to the citizens of New Hampshire. Vote 15-0.

Amendment (2276B)

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

SB 205, expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals. **INEXPEDIENT TO LEGISLATE**

Rep. Ervin R. Lachut for Wildlife and Marine Resources: This bill is identical to HB 506 and is, therefore, not needed. Vote 15-0.

REGULAR CALENDAR

SB 34-FN-L, including traumatic brain injury and autism in the definition of "educationally disabled child." **OUGHT TO PASS**

Rep. Susan D. Carter for Education: This bill adds traumatic brain injury and autism to the definition of "educationally disabled child" in order to meet federal standards. There is no added fiscal impact as these children are already being served under other categories. Vote 16-1.

Adopted and ordered to third reading.

SB 81, creating a task force to coordinate resources addressing sexual assault and sexual harassment at postsecondary institutions. **OUGHT TO PASS**

Rep. Patricia B. Brown for Education: SB 81 creates a task force to coordinate resources addressing sexual assault and sexual harassment at all postsecondary institutions in the state. Vote 16-1.

Adopted and ordered to third reading.

SB 224-FN-L, relative to the statewide education improvement and assessment program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan D. Carter for Education: SB 224, as amended, which establishes a statewide education improvement and assessment program, duplicates HB 205, as amended, which earlier passed the House. The amendment proposed by the committee contains language suggested and

endorsed by the governor and all parties involved concerning the responsibilities of the legislative oversight committee and an adjustment in the appropriation. The Fiscal Note calls for state expenditures of \$238,500 in FY 1994 and \$675,000 in FY 1995. Vote 18-0.

Amendment (2414B)

Amend RSA 193-C:2, II as inserted by section 2 of the bill by replacing it with the following:

II. "Committee" means the legislative oversight committee established to review the statewide education improvement and assessment program.

Amend the introductory paragraph of RSA 193-C:3 as inserted by section 2 of the bill by replacing it with the following:

193-C:3 Program Established; Goals. There is established within the department of education a statewide education improvement and assessment program. The commissioner shall develop and implement this program in conjunction with the legislative oversight committee. In carrying out this program, the commissioner shall consult widely with educators at all levels, business people, government officials, community representatives, and parents.

Amend the introductory paragraph of RSA 193-C:7 as inserted by section 2 of the bill by replacing it with the following:

193-C:7 Legislative Oversight Committee. An oversight committee shall be established consisting of:

Amend RSA 193-C:8 as inserted by section 2 of the bill by replacing it with the following:

193-C:8 Duties of the Legislative Oversight Committee. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$238,500 for the fiscal year ending June 30, 1994, and the sum of \$675,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of education for the purpose of funding the statewide education improvement and assessment program under RSA 193-C. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and referred to Appropriations.

SB 241-FN-A, increasing the cap on the continually-appropriated revolving fund for educational publications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: This bill increases the cap on the continually-appropriated revolving fund for educational publications. The amendment establishes a revolving fund for publications and distribution of training and educational materials as a part of training programs arranged by the department of personnel. Vote 11-4.

Amendment (2024B)

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the cap on the continually-appropriated revolving fund for educational publications, and establishing a revolving fund for training and publications in the division of personnel, department of administrative services.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Revolving Fund Established for State and Municipal Employee Personnel Education and Training. Amend RSA 21-I:42 by inserting after paragraph XVI the following new paragraph:

XVII. Provide training for and publish and distribute training and education materials to state and municipal employees.

(a) A nonlapsing revolving fund, which shall not exceed \$20,000 on June 30 of each year, shall be established in the division of personnel, department of administrative services. Any amounts in excess of \$20,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue. The moneys in this fund shall be used for the purpose of:

(1) Providing training to state and municipal employees. A reasonable charge shall be established for such training. This charge shall be fixed to reflect the cost of payments to experts to provide the training, the cost of written training materials, rental facilities, advertising, and other associated costs. Such training shall be conducted in geographically dispersed locations.

(2) Printing training materials for distribution. A reasonable charge shall be established for each copy of a training document. This charge shall be only in the amount necessary to pay the cost of producing such document. The division of personnel shall first make a request to state-owned printing facilities to perform the printing functions required under this subdivision. If state-owned printing facilities are unable to perform this request, the division of personnel may then seek privately owned printing facilities to fulfill this request.

(3) Implementing a certified public manager program. The department of administrative services, division of personnel, shall implement a certified public manager program that adopts the "use of modern and effective personnel management techniques throughout state government" as required by RSA 21-I:42, XII. The registration fee for such course shall be fixed to reflect the cost of payments to experts to provide the training, the cost of written training materials, rental facilities, training for state instructors, advertising, and other associated costs.

(b) No appropriation or other capitalization of the revolving fund shall be required. The division of personnel, department of administrative services, is authorized to expend budgeted funds for the purpose of initial printing of publications or the provision of training programs, with the moneys assessed for such publications or the provision of training to be deposited in the revolving fund.

3 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill increases the cap on the education printed materials revolving fund.

This bill also establishes a revolving fund to provide training for and publish and distribute training and education materials to state and municipal employees.

Adopted.

Report adopted and referred to Appropriations.

SB 100, protecting animal facilities and organizations or projects involving animals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bonnie Lou McCann for Environment and Agriculture: SB 100, as amended, finds any person or organization who willfully causes bodily injury or willfully interferes with any property, including animals or records, used by an organization or project involving animals, or with any animal facility guilty of a class A misdemeanor. This bill was introduced at the request of the University of New Hampshire and Dartmouth College to protect against potential disruptive activities by radical animal rights groups. Vote 14-1.

Amendment (2272B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Projects Involving Animals; Animal Facilities. Amend RSA 644 by inserting after section 8-d the following new section:

644:8-e Willful Interference with Organizations or Projects Involving Animals or with Animal Facilities.

I. Whoever willfully causes bodily injury or willfully interferes with any property, including animals or records, used by any organization or project involving animals, or with any animal facility shall be guilty of a class A misdemeanor.

II. Whoever in the course of a violation of paragraph I causes serious bodily injury to another individual or economic loss in excess of \$10,000 shall be guilty of a class B felony, and may be subject to an order of restitution pursuant to RSA 651:63.

III. For the purposes of this section:

(a) "An organization or project involving animals" means:

(1) A commercial or academic enterprise that uses animals for food or fiber production, agriculture, research, education, or testing.

(2) Any lawful competitive animal event, including but not limited to conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities.

(3) Any fair or similar event intended to advance the agricultural arts and sciences.

(b) "Animal facilities" means any vehicle, building, structure, research facility, or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) "Economic loss" means "economic loss" as defined in RSA 651:62, III.

IV. Nothing in this section shall be construed to restrict any constitutional, statutory, regulatory or common law right.

2 Effective Date. This act shall take effect upon passage.

Adopted.

Report adopted and ordered to third reading.

SB 106, relative to a northeast interstate dairy compact. OUGHT TO PASS WITH AMENDMENT

Rep. Marilyn R. Campbell for Environment and Agriculture: This legislation allows New Hampshire to be a member of a six-state dairy compact. Similar legislation has been passed in Maine and Vermont and is pending in Massachusetts, Rhode Island and Connecticut. Once passed in all states, this compact must be approved by the United States Congress. Vote 17-0.

Amendment (2242B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Northeast Interstate Dairy Compact. Amend RSA by inserting after RSA 184 the following new chapter:

CHAPTER 184-A NORTHEAST INTERSTATE DAIRY COMPACT

184-A:1 Compact.

Article I

Statement of Purpose, Findings and Declaration of Policy

Section 1. Statement of Purpose, Findings and Declaration of Policy.

I. The purpose of this compact is to recognize by constitutional prerequisite the interstate character of the northeast dairy industry and to form an interstate commission for the northeast region. The mission of the commission is to take such steps as are necessary to assure the continued viability of dairy farming in the northeast, and to assure consumers of an adequate, local supply of pure and wholesome milk.

II. The participating states find and declare that the dairy industry is the paramount agricultural activity of the northeast. Dairy farms, and associated suppliers, marketers, processors and retailers, are an integral component of the region's economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

III. The participating states further find that dairy farms are essential to the region's rural communities and character. The farms preserve open spaces, sculpt the landscape and provide the land base for a diversity of recreational pursuits. In defining the rural character of our communities and landscape, dairy farms also provide a major draw for our tourist industries.

IV. By entering into this compact, the participating states affirm that their ability to regulate the price which northeast dairy farmers receive for their product is essential to the public interest. Assurance of a fair and equitable price for dairy farmers ensures their ability to provide milk to the market and the vitality of the northeast dairy industry, with all the associated benefits.

V. Recent dramatic price fluctuations, with a pronounced downward trend, threaten the viability and stability of the northeast dairy region. Historically, individual state regulatory action has been an effective emergency remedy available to farmers confronting a distressed market. The federal order system, implemented by the Agricultural Marketing Agreement Act of 1937, establishes only minimum prices for dairy products, without preempting the power of states to regulate milk prices above the minimum levels so established. Based on this authority, each state in the region has individually attempted to implement at least one regulatory program in response to the current dairy industry crisis.

VI. In today's regional dairy marketplace, cooperative, rather than individual state action may address more effectively the market disarray. Under our constitutional system, properly authorized, states acting cooperatively may exercise more power to regulate interstate commerce

than they may assert individually without such authority. For this reason, the participating states invoke their authority to act in common agreement, with the consent of Congress, under the compact clause of the Constitution.

VII. In establishing their constitutional regulatory authority over the region's fluid milk market by this compact, the participating states declare their purpose that this compact neither displace the federal order system nor encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

VIII. Designed as a flexible mechanism able to adjust to changes in a regulated marketplace, the compact also contains a contingency provision should the federal order system be discontinued. In that event, the interstate commission is authorized to regulate the marketplace in replacement of the order system. This contingent authority does not anticipate such a change, however, and should not be so construed. It is only provided should developments in the market other than establishment of this compact result in discontinuance of the order system.

Article II

Definitions and Rules of Construction

Section 1. Definitions. For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

I. "Commission" means the commission established by this compact.

II. "Compact" means this interstate compact.

III. "Region" means the territorial limits of the states which are or become parties to this compact.

IV. "Participating state" means a state which has become a party to this compact by the enactment of concurring legislation.

V. "Regulated area" means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order.

VI. "Pool plant" means any milk plant located in a regulated area.

VII. "Partially regulated plant" means a milk plant not located in a regulated area but having Class I distribution within such area, or receipts from producers located in such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

VIII. "Compact over-order price" means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections ten and eleven of this compact, which is above the price established in federal marketing orders or by state farm price regulation in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

IX. "Commission marketing order" means regulations adopted by the commission pursuant to Article IV, section 3 and Article V, section 1 of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

X. "Milk" means the lacteal secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

XI. "Class I milk" means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in Article II, section 2 of this compact.

XII. "State dairy regulation" means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

Section 2. Rules of Construction.

I. This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide the commission the option to replace them with one or more commission marketing orders pursuant to this compact.

II. This compact shall be construed liberally in order to achieve the purposes and intent enunciated in section one. It is the intent of this compact to establish a basic structure by which

the commission may achieve those purposes through the application, adaptation and development of the regulatory techniques historically associated with milk marketing and to afford the commission broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

Article III

Commission Established

Section 1. Commission Established. There is hereby created a commission to administer the compact, composed of delegations from each state in the region. A delegation shall include not less than 3 nor more than 5 persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in, the appointing state. Delegation members shall serve no more than 3 consecutive terms with no single term of more than 4 years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined and paid by each state, but their expenses shall be paid by the commission. Each state delegation shall be entitled to one vote in the conduct of the commission's affairs.

Section 2. Voting Requirements. All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment or rescision of the commission's bylaws, shall be by majority vote of the delegations present. Establishment of an over-order price or commission marketing order shall require at least a 2/3 vote of the delegations present. The establishment of a regulated area which covers all or part of a participating state shall require also the affirmative vote of that state's delegation. A majority of the delegations from the participating states shall constitute a quorum for the conduct of the commission's business.

Section 3. Administration and Management.

I. The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and, together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish through its bylaws an executive committee composed of one member elected by each delegation.

II. The commission shall adopt bylaws for the conduct of its business by a 2/3 vote, and shall have the power by the same vote to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form with the appropriate agency or officer in each of the participating states. The bylaws shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

III. The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

IV. In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

- (a) To sue and be sued in any state or federal court;
- (b) To have a seal and alter the same at pleasure;
- (c) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;
- (d) To borrow money and to issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of section 18 of this compact;

(e) To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties, and qualifications; and

(f) To create and abolish such offices, employments, and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

Section 4. Rulemaking Power. In addition to the power to promulgate a compact over-order price or commission marketing orders as provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

Article IV

Powers of the Commission

Section 1. Powers to Promote Regulatory Uniformity, Simplicity, and Interstate Cooperation. The commission is hereby empowered to:

I. Investigate or provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administration and costs, to measure their impact on the production and marketing of milk and their effects on the shipment of milk and milk products within the region.

II. Prepare and transmit to the participating states model dairy laws and regulation dealing with the inspection of farms and plants, sanitary codes, labels for dairy products and their imitations, standards for dairy products, license standards, producer security programs, and fair trade laws.

III. Study and recommend to the participating states joint or cooperative programs for the administration of the dairy laws and regulations and to prepare estimates of cost savings and benefits of such programs.

IV. Encourage the harmonious relationships between the various elements in the industry for the solution of their material problems. Conduct symposiums or conferences designed to improve industry relations for a better understanding of problems.

V. Prepare and release periodic reports on activities and results of the commission's efforts to the participating states.

VI. Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assembly and distribution of milk which may assist, improve, or promote more efficient assembly and distribution of milk.

VII. Investigate costs and charges for producing, hauling, handling, processing, distributing, selling and for all other services performed with respect to milk.

VIII. Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farm prices in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

Section 2. Equitable Farm Prices.

I. The powers granted in this section and section 10 shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided, in the region or parts thereof as defined in the order.

II. A compact over-order price established pursuant to this section shall apply only to Class I milk. Such over-order price shall not exceed \$1.50 per gallon. Beginning in 1990, and using that year as a base, the foregoing \$1.50 per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk shall be calculated in relation to the nearest prevailing class price in accordance with and subject to such adjustments as the commission may prescribe in regulations.

III. A commission marketing order shall apply to all classes and uses of milk.

IV. The commission is hereby empowered to establish the minimum price for milk to be paid by pool plants, partially regulated plants and all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other factors not related to the purposes of the regulation and this compact. Producer-handlers as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar treatment of producer-handlers under commission marketing orders.

V. In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and distributor.

(f) When establishing a compact over-order price, the commission shall take such action as necessary and feasible to ensure that the over-order price does not create an incentive for producers to generate additional supplies of milk.

(g) The commission shall whenever possible enter into agreements

VI. When establishing a compact over-order price, the commission shall take such action as necessary and feasible to ensure that the over-order price does not create an incentive for producers to generate additional supplies of milk.

VII. The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

Section 3. Optional Provisions for Pricing Order. Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to, any of the following:

I. Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

II. With respect to a commission marketing order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers or associations of producers.

III. With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

IV. Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjustments, zone differentials and for competitive credits with respect to regulated handlers who market outside the regulated area.

V. Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

(a) With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool within the regulated area for the sole purpose of equalizing returns to producers throughout the regulated area.

(b) With respect to any commission marketing order, as defined in Article II, section 1, IX, which replaces one or more terminated federal orders or state dairy regulation, the marketing area of now separate state or federal orders shall not be merged without the affirmative consent of each state, voting through its delegation, which is partly or wholly included within any such new marketing area.

VI. Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equalize the cost of milk purchased by handlers subject to a compact over-order price or commission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require payment of the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the Class I price established by the compact over-order price or commission marketing order.

VII. Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

VIII. Provisions requiring that the account of any person regulated under a compact over-order price shall be adjusted for any payments made to or received by such persons with respect to a producer settlement fund of any federal or state milk marketing order or other state dairy regulation within the regulated area.

IX. Provisions requiring the payment by handlers of an assessment to cover the costs of the administration and enforcement of such order pursuant to Article VII, section 1, I.

X. Provisions for reimbursement to participants of the Women, Infants, and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.

XI. Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

Article V

Rulemaking Procedure

Section 1. Rulemaking Procedure. Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under Article IV, section 2, VI, or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. Section 553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

Section 2. Findings and Referendum. In addition to the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended, (5 U.S.C. Section 553(c)), the commission shall make findings of fact with respect to:

I. Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

II. What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

III. Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

IV. Whether the terms of the proposed regional order or amendment are approved by producers as provided in Article V, section 3.

Section 3. Producer Referendum.

I. For the purpose of ascertaining whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under Article IV, section 2, VI, is approved by producers, the commission shall conduct a referendum among producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the pro-

posed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the legality of the order or any action relating thereto.

II. An order or amendment shall be deemed approved by producers if the commission determines that it is approved by at least 2/3 of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

III. For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, which is bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, except as provided in subparagraph (a) hereof and subject to the provisions of subparagraphs (b) through (e) hereof.

(a) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

(b) Any cooperative which is qualified to block vote shall, before submitting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner and in the form prescribed by the commission.

(c) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

(d) A producer who is a member of a cooperative which has provided notice of its intent to approve or not to approve a proposed order, and who obtains a ballot and with such ballot expresses his approval or disapproval of the proposed order, shall notify the commission as to the name of the cooperative of which he or she is a member, and the commission shall remove such producer's name from the list certified by such cooperative with its corporate vote.

(e) In order to insure that all milk producers are informed regarding a proposed order, the commission shall notify all milk producers that an order is being considered and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

Section 4. Termination of Over-order Price or Marketing Order.

I. The commission shall terminate any regulations establishing an over-order price or commission marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

II. The commission shall terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such termination is favored by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be specified in such marketing agreement or order.

III. The termination or suspension of any order or provision thereof, shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking prescribed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. Section 553).

Article VI Enforcement

Section 1. Records, Reports, Access to Premises.

I. The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission's properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

II. Information furnished to or acquired by the commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (a) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (b) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

III. No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section and any person violating the provisions of this section shall upon conviction be subject to a fine of not more than \$1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.

Section 2. Subpoena, Hearings and Judicial Review.

I. The commission is hereby authorized and empowered by its members and its properly designated officers to administer oaths and issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

II. Any handler subject to an order may file a written petition with the commission stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

III. The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction in equity to review such ruling, provided a bill in equity for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of the bill of complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (a) to make such ruling as the court shall determine to be in accordance with law, or (b) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subdivision shall not impede, hinder, or delay the commission from obtaining relief pursuant to Article VII, section 1. Any proceedings brought pursuant to Article VII, section 1 (except where brought by way of counterclaim in proceedings instituted pursuant to this section) shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this section.

Section 3. Enforcement With Respect to Handlers.

I. Any violation of the provisions of regulations establishing an over-order price or a commission marketing order, or other regulations adopted pursuant to this compact shall:

(a) Constitute a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day such violation continues shall constitute a separate violation.

(b) Constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

II. The commission shall enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

(a) An action for legal or equitable relief brought in the name of the commission in any state or federal court of competent jurisdiction; or

(b) With the agreement of the appropriate state agency of a participating state, by referral to the state agency for enforcement by judicial or administrative remedy.

III. The commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted thereunder without being compelled to allege or prove that an adequate remedy of law does not exist.

Article VII Finance

Section 1. Finance of Start-up and Regular Costs.

I. To provide for its start-up costs, the commission may borrow money pursuant to its general power under Article III, section 3, IV(d). In order to finance the costs of administration and enforcement of this compact, including pay back of start-up costs, the commission is hereby empowered to collect an assessment from each handler who purchases milk from producers within the region. If imposed, the assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed 1/10 of one percent of the applicable federal milk market order blend price per hundred weight of milk purchased from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the 2-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a compact marketing order are adopted, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a reserve for the commission's on-going expenses.

II. The commission shall not pledge the credit of any participating state or of the United States. Notes issued by the commission and all other financial obligations incurred by it, shall be its sole responsibility and no participating state or the United States shall be liable therefor.

Section 2. Audit and Accounts.

I. The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

II. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

III. Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

Article VIII

Entry into Force; Additional Members and Withdrawal

Section 1. Entry into Force; Additional Members. The compact shall enter into force effective when enacted into law by any 3 states of the group of states composed of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and when the consent to Congress has been obtained. This compact shall also be open to states which are contiguous to any of the named states and open to states which are contiguous to participating states.

Section 2. Withdrawal from Compact. Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Section 3. Severability. If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a northeast interstate dairy compact. The compact allows the participating states to regulate the price which northeast dairy farmers receive for their products.

Adopted.

Report adopted and ordered to third reading.

(Speaker Burns in the Chair)

SB 151-FN-A-L, requiring an animal population fee in addition to licensure fees for certain dogs and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: OUGHT TO PASS.**

Rep. Joseph E. Stone for the Majority of Municipal and County Government: This bill addresses a real need and has merit; however, the committee sees a number of different areas which should be studied or broadened within the perimeter of the bill. Some of the areas are compliance, enforcement and funding of existing regulations, the rabies epidemic, as well as the animal overpopulation that the bill initially addressed. The committee does intend a vigorous examination which should well result in a stronger, more comprehensive piece of legislation. Vote 16-1.

Rep. Thomas B. Salatiello for the Minority of Municipal and County Government: The bill requires owners of dogs, which are not licensed under a group license, to pay an animal-population-control fee in addition to the license fee. The additional fee shall be used to establish an animal-population-control program to provide low-cost spaying and neutering services to eligible animal owners. The program is to be administered by the Commissioner of the Department of Agriculture, and he is granted rulemaking authority for that purpose. Although this bill has been kept active by the re-refer motion, the need is more immediate.

Rep. Salatiello moved that the words Ought to Pass be substituted for the report of the Committee, Re-refer to Committee, and spoke in favor.

Reps. Stone and Wadsworth spoke against.

Rep. St. Martin spoke in favor.

Reps. Richard Hill and Copenhaver spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 196

NAYS 165

**YEAS 196
BELKNAP**

Bartlett, Gordon
Ziegra, Alice

Hauck, William

Salatiello, Thomas

Smith, Linda

CARROLL

Beach, Mildred

Bradley, Jeb

Mock, Henry

Saunders, Howard

CHESHIRE

Bonneau, Sarah
Hunt, John
Metzger, Katherine
Robertson, Timothy

Burnham, Daniel
Kingsbury, H. Thayer
Pearson, Gertrude
Russell, Ronald

Cole, Stacey
Lynch, Margaret
Pratt, Irene
Smith, Edwin

DePecol, Benjamin
Manning, Joseph
Richardson, Barbara

COOS

Foss, Frederic

Harwell, Tyler

Mayhew, Josephine

GRAFTON

Adams, Carl
Copenhaver, Marion
Eaton, Stephanie
Hill, Richard
Teschner, Douglass

Below, Clifton
Crory, Elizabeth
Gordon, Edward
McIlwaine, Deborah
Ward, Kathleen

Brown, Alson
Dow, David
Guest, Robert
Nordgren, Sharon

Brown, Patricia
Driscoll, William
Ham, Bonnie
Scanlan, David

HILLSBOROUGH

Ahem, Richard
Andrews, Frederick

Ahlgren, Madelyn
Arnold, Thomas, Jr.

Ahrens, Frederick
Bagley, Amy

Amidon, Eleanor
Bergeron, Lucien

Bowers, Dorothy
Chabot, Robert
Donovan, Francis
Dwyer, Patricia
Gervais, Glen
Healy, Daniel
Jean, Loren
Lessard, Rudy
Messier, Irene
Morello, Michael
Pepino, Leo
Reidy, Frank
Smith, Leonard
Weergang, Alida

Buckley, Raymond
Clemons, Jane
Drabinowicz, A. Theresa
Dykstra, Leona
Greenberg, Gary
Holley, Sylvia
Johnson, Lionel
Lozeau, Donnalee
Milligan, Robert
Morrisette, Roland
Perkins, Paul
Rodgers, G. Philip
Soucy, Donna
Wells, Peter, Sr.

Burke, M. Virginia
Cote, David
Drolet, Paul
Fields, Dennis
Haettenschwiller, Alphonse
Holt, David
Kelley, Dana
Martin, Mary Ellen
Mittelman, David
Murphy, Robert
Philbrook, Paula
Sallada, Roland
Soucy, Richard
White, John

Cepaitis, Elizabeth
Crotty, Edward
Durham, Susan
Gage, Ruth
Hart, Nick
Jean, Claudette
Laughlin, J. Francis
McCann, Bonnie
Moore, Elizabeth
Nardi, Theodora
Record, Alice
Sargent, Maxwell
Toomey, Kathryn

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Holmes, Mary
Kennedy, Richard
Owen, Derek
Trombly, Rick
Yeaton, Charles

Carter, Susan
French, Barbara
Houlahan, Thomas
Langer, Ray
Rogers, Katherine
Wallner, Mary Jane

Chandler, John
Gilbreth, Robert
Johnson, C. William
Moore, Carol
Stapleton, Henry
Weeks, John, Jr.

Dunn, Miriam
Hall, Douglas
Johnson, Joyce May
Newland, Matthew
Teague, Bert
Whalley, Michael

ROCKINGHAM

Battles, Marjorie
Clark, Martha
Crum, William, Jr.
Groves, Bonnie
Johnson, Robert
McGovern, Cynthia
Richards, David
Skinner, Patricia
Teminko, Margaret

Beaulieu, Jon
Clark, Vivian
Dube, LeRoy
Hurst, Sharleene
Kane, Cecelia
Newman, Rick
Ritzo, Eugene
Splaine, James
Vaughn, Charles

Bell, Juanita
Coes, Betsy
Flanagan, Natalie
Hutchinson, Karen
Kruse, Fred
Pantelakos, Laura
Rosencrantz, James
St. Martin, Tommy
Williamson, William

Caswell, Albert, Jr.
Conroy, Janet
Flanders, John, Sr.
Johnson, Bill
Malcolm, Kenneth
Pratt, Katharin
Rubin, George
Syracusa, Anthony
Yennaco, Carol

STRAFFORD

Brown, Julie
Hashem, Elaine
McCann, William, Jr.
Musler, George
Sullivan, Henry

Dunlap, Patricia
Kincaid, William
McGrath, J. Gregory
O'Brien, John
Wasson, Richard

Gilmore, Gary
Knowles, William
Merrill, Amanda
Pageotte, Donald

Hambrick, Patricia
Loder, Suzanne
Merritt, Deborah
Pelletier, Arthur

SULLIVAN

Allison, David
Holl, Ann
Stamatakis, Carol

Cloutier, John
Kane, Joan

Domini, Irene
Lindblade, Eric

Flint, Gordon
Palmer, Lorraine

NAYS 165

BELKNAP

Cain, Thomas
Hawkins, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Holbrook, Robert
Turner, Robert

Dewhirst, Glenn
Johnson, Carl

Golden, Paul
Lawton, David

CARROLL

Allard, Nanci
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Philbrick, Donald

Dickinson, Howard, Jr.
Wiggin, Allen

CHESHIREAvery, Stephen
Perry, DavidDelano, Robert
Riley, WilliamMcGuirk, Paul
Royce, H. Charles

McNamara, Wanda

COOSBradley, Paula
Horton, LynnCoulombe, Henry
Mears, EdgarGuay, Lawrence
Merrill, GeraldHawkinson, Marie
Wiswell, James**GRAFTON**Bean, Pamela
Trelfa, RichardBrown, Channing
Wadsworth, Karen

Larson, Nils, Jr.

Rose, William

HILLSBOROUGHAllen, W. Gordon
Calawa, Leon, Jr.
Desrosiers, William
Ferguson, Charles
Gosselin, Gerald
Hunter, Bruce
Kurk, Neal
Lown, Elizabeth
Mercer, Robert
Plourde, Alphonse
Searles, Stanley, Sr.
Upton, BarbaraArnold, Barbara
Cowenhoven, Garret
Dodge, Emma
Foster, Linda
Hanselman, Gregory
Jasper, Shawn
L'Heureux, Robert
Mason, Howard
Moncrief, Keith
Rheault, Lillian
Smart, John
Vanderlosk, StanleyBergeron, Normand
Daigle, Robert
Domaingue, Jacquelyn
Franks, Suzan
Holden, Carol
Kelley, Robert
Lachut, Ervin
McCarty, Winston
Packard, Bonnie
Riley, Frances
Tate, Joan
Wheeler, RobertBorsa, Andrew
Daniels, Gary
Dyer, Merton
Gagnon, Eugene
Holt, Mark
Kirby, Thomas
Lefebvre, Roland
McRae, Karen
Paquette, Rodolphe
Rothhaus, Finlay
Turgeon, Roland
Wright, George**MERRIMACK**Braiterman, Thea
Fillion, Paul
Lockwood, Robert
Shaw, RandallBuessing, Marjorie
Gross, Caroline
Nichols, Avis
Soldati, JenniferChandler, Earle
Hill, Michael
Pfaff, Terence
Whittemore, JamesDaneault, Gabriel
Kidder, William
Regan, Maurice
Willis, Jack**ROCKINGHAM**Aranda, M. Kathryn
Buco, Stephen
Cote, Patricia
Drake, Herbert
Gage, Beverly
Katsakiores, George
Lovejoy, Marian
Noyes, Richard
Raynowska, Bernard
Smith, Arthur
Sytek, JohnArndt, Janet
Campbell, Marilyn
Crossman, Harold, Jr.
Felch, Charles, Sr.
Gargiulo, Louis
Klemarczyk, Thaddeus
McKinney, Betsy
Packard, Sherman
Schanda, Joseph, Sr.
Stone, Joseph
Warburton, CalvinBlake, Daniel
Chester, Sherman
DiPietro, Carmela
Fesh, Robert
Gorman, Donald
Klemm, Arthur, Jr.
Miller, Don
Pullman, Robert
Senter, Merilyn
Stritch, C. Donald
Welch, DavidBoucher, William
Cote, Charles
Dowd, Sandra
Flanders, David
Hemenway, Thomas
Lee, Rebecca
Moore, Benjamin
Putnam, Ed, II
Simon, Peter
Sytek, Donna
Woods, Deborah**STRAFFORD**Callaghan, Frank
Lundborn, Raymond
Spear, Barbara
Vincent, FrancisChagnon, Ronald
Nehring, William
Torr, Ann
Wall, JanetDouglass, Clyde
Rogers, Rose Marie
Torr, FranklinHemon, Roland
Snyder, Clair
Torr, Ralph**SULLIVAN**

Peyron, Fredrik

Rodeschin, Beverly

Schotanus, Merle

and the motion passed.

Substituted report adopted and referred to Ways and Means

SB 182-FN-L, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas E.P. Rice, Jr. for Municipal and County Government: SB 182 provides for a mortgagee, upon request, to be sent a copy of the property tax bill in order that said mortgagee have the opportunity to pay the taxes in a timely manner. The amendment allows both parties to decide what form the tax notice to the mortgagee shall take, and also allows the municipality to set a reasonable fee for providing this service. It also allows for quarterly tax billing as a local option by a majority vote of the local legislative body. This was the subject matter of HB 239, which was re-referred to the committee because it had an error which would have prevented prepayment of taxes as is currently allowed by law. The amendment corrects this error. Vote 10-5.

Amendment (2373B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder; and granting municipalities an option for quarterly billing and collection of property taxes.

Amend the bill by replacing all after the enacting clause with the following:

1 Duplicate Copy to Lienholder. Amend RSA 76:11 to read as follows:

76:11 Delivery of List; Notice to Taxpayer. Such list shall be delivered to the collector within 30 days from the receipt of information by the selectmen from the commissioner of revenue administration of the rate percent of taxation as provided in RSA 41:15, unless for good cause the time is extended by the commissioner of revenue administration. The collector shall, within 30 days after the receipt of such list, send to every person taxed, a bill for such taxes by first class mail, unless for good cause the time is extended by the commissioner of revenue administration. Said bill shall be mailed separately and not included with mailing of other town bills. *Upon written request of a mortgagee or its representative, the tax collector of a city or town shall mail a duplicate copy of the property tax bill, as it was sent to the property taxpayer, to the party making such request. Other form of notification of tax owed, acceptable to the mortgagee and the tax collector, may be substituted for the duplicate tax bill. A separate written request, with specific property identification, shall be required for each duplicate copy or form. The governing body of a city or town may establish a reasonable fee to be charged for each duplicate copy or form.* [Provided, however, that] Resident tax bills may be included with property tax bills when the inclusion of such resident tax bills will not unduly delay the mailing of either the resident or property tax bills.

2 New Section; Quarterly Billing and Collection of Taxes in Towns and Cities. Amend RSA 76 by inserting after section 15-a the following new section:

76:15-aa Quarterly Collection of Taxes in Certain Towns and Cities.

I. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in RSA 76:15-c. A partial billing of the taxes to be assessed April 1 in any tax year shall be computed by taking the prior year's assessed valuation times the previous year's tax rate divided by 4; provided, however, that whenever it appears to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times the previous year's tax rate divided by 4 to compute the partial payment.

II. For the purposes of this section, the list of assessed property shall be committed by the selectmen with 3 separate warrants under their hands and seal directed to the collector of such town no later than January 15. The collector shall mail all the bills for the 3 quarterly partial payments not later than March 3. Partial payment of taxes assessed under this section shall be due and payable on April 1, June 1, and September 1. The collector shall receive such payments, and credit the amount paid toward the amount of the taxes eventually assessed against the property. A payment of the remainder of the taxes assessed April 1, minus the payments due on April 1, June 1, and September 1, of that year, shall be due and payable December 1 or 30 days after the last bill is mailed. Interest charged on all taxes not paid on or before the date they are due shall be as prescribed in RSA 76:13, except that, when bills for partial payment under this section are mailed on or after March 3, interest shall not be charged on the April 1 payment until 30 days after the April bills are mailed; or, if final bills are mailed after November 1, interest shall not be charged on the final payment until 30 days after the final bills are mailed.

3 New Sections; Local Option Change in Ownership; Notification. Amend RSA 76 by inserting after section 76:15-b the following new section:

76:15-c Local Option. Other provisions of law to the contrary notwithstanding, taxes shall be collected in any town or city in a manner pursuant to RSA 76:15-aa if said town or city by majority vote of the legislative body, adopts the provisions thereof. A town or city which adopts the provisions of RSA 76:15-aa may rescind said adoption by majority vote of the legislative body, and the general statutes relating to collection of taxes shall once again apply.

76:15-d Change in Ownership. Whenever a town or city has, by vote of its legislative body, approved the quarterly billing of taxes pursuant to RSA 76:15-aa and where subsequent to the collector issuing the quarterly bills, the assessors are made aware of a change in ownership in a parcel so billed, the assessors shall amend the tax list and notify the collector, who, upon the request of the taxpayer, shall cause to be mailed to the new owner a statement of account showing the balance due on the current quarterly billing.

76:15-e Notification of First Mortgagees. Upon written request of a mortgagee or its representative, the tax collector of a city or town which has adopted the provisions of RSA 76:15-aa shall mail a duplicate copy of the property tax bill, as it was sent to the property taxpayer, to the party making such request. Other form of notification of tax owed, acceptable to the mortgagee and the tax collector may be substituted for the duplicate tax bill. A separate written request, with specific property identification, shall be required for each duplicate copy or form. A list containing more than one request shall satisfy the separate request requirement.

4 Interest. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at 12 percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. *In those towns and cities adopting RSA 76:15-aa relative to quarterly tax collections, interest shall not be charged until 30 days after the first quarterly bill normally due April 1 is mailed; interest at 12 percent shall be due after the due dates of June 1 and September 1.* Interest due that amounts to less than \$5 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in his judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

5 Prepayment of Taxes. Amend RSA 80:52-a to read as follows:

80:52-a Prepayment. Any town by vote at a town meeting under a proper article in the warrant or by vote of the board of selectmen or the town council and any city by vote of its governing [board] *body or a town or city which has adopted the provisions of the law allowing for quarterly tax billings under RSA 76:15-aa* may authorize the prepayment of taxes and authorize the collector of taxes to accept payments in prepayment of taxes. If a town or city so votes, any person, firm or corporation owning taxable property on April 1, *or in the case of a town or city which has adopted quarterly tax payments, on January 1*, may, after April 1 *or January 1, respectively*, and before notice of the amount of taxes assessed against said property for that year has been received, make payments on account of such taxes and the collector shall receive such payments and give a receipt therefor and credit the amounts paid toward the amount of the taxes eventually assessed against said property. In any town or city which shall vote to authorize the prepayment of taxes the collector of taxes shall give such bond in the form and amount which the commissioner of revenue administration shall require, and he shall pay over all sums so received to the town treasurer under the provisions of RSA 41:35.

6 Effective Date.

I. Section 1 of this act shall take effect April 1, 1993.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder.

This bill also permits towns and cities to bill and collect property taxes on a quarterly basis. Rep. Fesh requested that the question be divided. The Speaker ruled that the question was divisible.

The question being the adoption of Section 1 of the Amendment.

Adopted.

Reps. Fesh and Noyes spoke against Sections 2 through 5.

(Rep. Michael Hill in the Chair)

Reps. Dunn and Wadsworth spoke in favor and yielded to questions.

Rep. Buckley spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of Sections 2 through 5 of the amendment.

YEAS 198

NAYS 155

**YEAS 198
BELKNAP**

Hawkins, Robert

Salatiello, Thomas

Smith, Linda

Ziegler, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Gordon

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Mock, Henry

Cogswell, Richard
Saunders, Howard

CHESHIRE

Bonneau, Sarah
Delano, Robert
Metzger, Katherine
Riley, William

Burnham, Daniel
Hunt, John
Perry, David
Robertson, Timothy

Cole, Stacey
Manning, Joseph
Pratt, Irene
Russell, Ronald

DePecol, Benjamin
McGuirk, Paul
Richardson, Barbara
Smith, Edwin

COOS

Bradley, Paula
Merrill, Gerald

Foss, Frederic
Wiswell, James

Hawkinson, Marie

Horton, Lynn

GRAFTON

Bean, Pamela
Crory, Elizabeth
Nordgren, Sharon
Ward, Kathleen

Below, Clifton
Gordon, Edward
Teschner, Douglass

Brown, Patricia
Guest, Robert
Trelfa, Richard

Copenhaver, Marion
Hill, Richard
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Arnold, Barbara
Cepaitis, Elizabeth
Cowenhoven, Garret
Drolet, Paul
Dykstra, Leona
Gage, Ruth
Haettenschwiller, Alphonse
Holt, David
L'Heureux, Robert
Lown, Elizabeth
McCarty, Winston
Morello, Michael
Paquette, Rodolphe
Record, Alice
Smart, John
Wells, Peter, Sr.

Ahlgren, Madelyn
Arnold, Thomas, Jr.
Chabot, Robert
Daigle, Robert
Durham, Susan
Ferguson, Charles
Gervais, Glen
Hanselman, Gregory
Jean, Claudette
Lachut, Ervin
Lozeau, Donnalee
Milligan, Robert
Morrissette, Roland
Pepino, Leo
Reidy, Frank
Soucy, Donna
White, John

Allen, W. Gordon
Bagley, Amy
Clemons, Jane
Desrosiers, William
Dwyer, Patricia
Fields, Dennis
Gosselin, Gerald
Hart, Nick
Kirby, Thomas
Laughlin, J. Francis
Mason, Howard
Mittelman, David
Nardi, Theodora
Perkins, Paul
Rheault, Lillian
Tate, Joan
Wright, George

Amidon, Eleanor
Buckley, Raymond
Cote, David
Drabinowicz, A. Theresa
Dyer, Merton
Foster, Linda
Greenberg, Gary
Holden, Carol
Kurk, Neal
Lessard, Rudy
McCann, Bonnie
Moore, Elizabeth
Packard, Bonnie
Philbrook, Paula
Sallada, Roland
Toomey, Kathryn

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Holmes, Mary
Newland, Matthew
Rogers, Katherine
Wallner, Mary Jane

Buessing, Marjorie
Dunn, Miriam
Gilbreth, Robert
Johnson, Joyce May
Owen, Derek
Shaw, Randall
Weeks, John, Jr.

Carter, Susan
Feuerstein, Martin
Gross, Caroline
Lockwood, Robert
Pfaff, Terence
Soldati, Jennifer
Yeaton, Charles

Chandler, John
Fillion, Paul
Hall, Douglas
Moore, Carol
Regan, Maurice
Trombly, Rick

ROCKINGHAM

Arndt, Janet
Chester, Sherman
Crum, William, Jr.
Gage, Beverly
Lee, Rebecca
McKinney, Betsy
Pantelakos, Laura
Rubin, George
Sytek, Donna

Battles, Marjorie
Clark, Martha
Dube, LeRoy
Groves, Bonnie
Lovejoy, Marian
Moore, Benjamin
Richards, David
Senter, Marilyn
Vaughn, Charles

Boucher, William
Coes, Betsy
Felch, Charles, Sr.
Kane, Cecelia
Malcolm, Kenneth
Newman, Rick
Ritzo, Eugene
Splaine, James
Williamson, William

Buco, Stephen
Crossman, Harold, Jr.
Flanders, David
Kruse, Fred
McGovern, Cynthia
Packard, Sherman
Rosencrantz, James
St. Martin, Tommy
Woods, Deborah

STRAFFORD

Douglass, Clyde
McCann, William, Jr.
Pelletier, Arthur
Wall, Janet

Gilmore, Gary
McGrath, J. Gregory
Rogers, Rose Marie

Kincaid, William
Nehring, William
Spear, Barbara

Loder, Suzanne
O'Brien, John
Torr, Ann

SULLIVAN

Allison, David
Peyron, Fredrik

Cloutier, John
Rodeschin, Beverly

Kane, Joan
Stamatakis, Carol

Lindblade, Eric

NAYS 155**BELKNAP**

Bartlett, Gordon
Golden, Paul
Lawton, David

Cain, Thomas
Hauck, William
Rosen, Ralph

Campbell, Richard, Jr.
Holbrook, Robert
Turner, Robert

Dewhirst, Glenn
Johnson, Carl

CARROLL

Chandler, Gene

Foster, Robert

Philbrick, Donald

Wiggin, Allen

CHESHIRE

Avery, Stephen
Royce, H. Charles

Kingsbury, H. Thayer

Lynch, Margaret

McNamara, Wanda

COOS

Coulombe, Henry
Pratt, Leighton

Guay, Lawrence

Mayhew, Josephine

Mears, Edgar

GRAFTON

Adams, Carl
Eaton, Stephanie
Rose, William

Brown, Alson
Ham, Bonnie
Scanlan, David

Brown, Channing
Larson, Nils, Jr.

Driscoll, William
McIlwaine, Deborah

HILLSBOROUGH

Ahrens, Frederick
Bowers, Dorothy
Daniels, Gary
Franks, Suzan
Hunter, Bruce
Kelley, Dana
McRae, Karen

Andrews, Frederick
Burke, M. Virginia
Dodge, Emma
Healy, Daniel
Jasper, Shawn
Kelley, Robert
Mercer, Robert

Bergeron, Normand
Calawa, Leon, Jr.
Domaingue, Jacquelyn
Holley, Sylvia
Jean, Loren
Lefebvre, Roland
Messier, Irene

Borsa, Andrew
Crotty, Edward
Donovan, Francis
Holt, Mark
Johnson, Lionel
Martin, Mary Ellen
Moncrief, Keith

Murphy, Robert
Sargent, Maxwell
Turgeon, Roland
Wheeler, Robert

Riley, Frances
Searles, Stanley, Sr.
Upton, Barbara

Rodgers, G. Philip
Smith, Leonard
Vanderlosk, Stanley

Rothhaus, Finlay
Soucy, Richard
Weergang, Alida

MERRIMACK

Barberia, Richard
Kennedy, Richard
Stapleton, Henry
Willis, Jack

Chandler, Earle
Kidder, William
Teague, Bert

Houlahan, Thomas
Langer, Ray
Whalley, Michael

Johnson, C. William
Nichols, Avis
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Campbell, Marilyn
Cote, Patricia
Fesh, Robert
Gorman, Donald
Johnson, Bill
Klemarczyk, Thaddeus
Pratt, Katharin
Schanda, Joseph, Sr.
Stone, Joseph
Terninko, Margaret

Beaulieu, Jon
Caswell, Albert, Jr.
DiPietro, Carmela
Flanagan, Natalie
Hemenway, Thomas
Johnson, Robert
Klemm, Arthur, Jr.
Pullman, Robert
Simon, Peter
Stritch, C. Donald
Warburton, Calvin

Blake, Daniel
Clark, Vivian
Dowd, Sandra
Flanders, John, Sr.
Hurst, Sharleene
Katsakiores, George
Miller, Don
Putnam, Ed, II
Skinner, Patricia
Syracusa, Anthony
Welch, David

Bove, Martin
Cote, Charles
Drake, Herbert
Gargiulo, Louis
Hutchinson, Karen
Katsakiores, Phyllis
Noyes, Richard
Raynowska, Bernard
Smith, Arthur
Sytek, John
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Hashem, Elaine
Merrill, Amanda
Sullivan, Henry
Wasson, Richard

Chagnon, Ronald
Hemon, Roland
Merritt, Deborah
Torr, Franklin

Dunlap, Patricia
Hilliard, Dana
Pageotte, Donald
Torr, Ralph

Hambrick, Patricia
Lundborn, Raymond
Snyder, Clair
Vincent, Francis

SULLIVAN

Domini, Irene
Schotanus, Merle

Flint, Gordon

Holl, Ann

Palmer, Lorraine

and Sections 2 through 5 were adopted.
Section 6 adopted.
Report adopted and ordered to third reading.

SB 102, establishing a committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on the state and to study certain incentives and propose a state policy regarding the use of alternative transportation fuel vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for Science, Technology and Energy: The committee believes a comprehensive study as outlined in SB 102 is in the public interest and could result in economic and environmental benefits to the state. The amendment makes minor clarifications in the wording of the bill and includes reformulated gasoline as one of the alternative transportation fuels to be studied. Vote 10-0.

Amendment (2288B)

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. It is in the state's best interest to conduct a comprehensive study of alternative motor fuels and alternative fuel vehicles to determine their effectiveness in reducing emissions of harmful pollutants into the air. The study should not only evaluate the environmental and economic benefits of expanded use of alternative fuel vehicles, but should also consider potential contributions alternative fuels would make to improve the state and national economies.

Amend the introductory paragraph of section 2 of the bill by replacing it with the following:
2 Committee Established. There is created the alternative transportation fuels study committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on improving the state's air quality and economy. The membership of the committee shall be as follows:

Amend the bill by replacing section 6 with the following:

6 Duties. The purpose of the committee is to study and analyze all issues pertaining to the use of alternative transportation fuels, including, but not limited to, natural gas, propane, electricity, ethanol, methanol, reformulated gasoline, solar energy, and hydrogen, and to make recommendations regarding the feasibility of expanding the use of alternative fuels and alternative fuel vehicles to improve the air quality of the state. The committee shall also study incentives to promote the use of alternative transportation fuel vehicles and propose a state policy regarding the use of these vehicles.

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

SB 121, nullifying the law which amends RSA 457:29 relative to marriage license fees effective July 1, 1994, and raising the fee for marriage licenses. **OUGHT TO PASS**

Rep. John F. Weeks, Jr., for Ways and Means: Under current law, the New Hampshire marriage license fee would be reduced from \$40 to \$20 on July 1, 1994. This bill nullifies that change and raises the fee to \$45. Most of this amount (\$38) will be used as the only source of funds to continue paying for the state's domestic violence prevention and victim service programs. The committee agrees its passage is very important. Vote 12-2.

Rep. Gorman moved that the words Inexpedient to Legislative be substituted for the report of the Committee, Ought to Pass, spoke in favor and yielded to questions.

(Speaker Burns in the Chair)

Reps. Weeks and Douglas Hall spoke against and yielded to questions.

Rep. Hurst spoke against.

Reps. Teschner and Cowenhoven yielded to questions.

On a division vote, 116 members having voted in the affirmative and 246 in the negative, the motion failed.

Report adopted and ordered to third reading.

SB 117, relative to the appointment of and payment of fees to guardians ad litem. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Judiciary: This bill attempts to provide some order to the chaos which currently characterizes our Guardian Ad Litem System. The committee took out some sections which dealt with material about which no agreement could be reached and passed on those sections having to do with management of the G.A.L. system. We hope significant cost savings will accrue as a result of passage of this bill. Vote 13-1.

Amendment (2393B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Supreme Court Authorization. Amend RSA 490 by inserting after section 26-d the following new sections:

490:26-e Guardians Ad Litem. The supreme court may establish the following relative to guardians ad litem appointed pursuant to statutory authority or any court order:

I. Standards and requirements for registration and training as a guardian ad litem.

II. Standards for practice, including but not limited to ethical rules.

III. Disciplinary procedures for violating ethical rules and requirements established under this paragraph.

IV. Penalties for violating ethical rules and requirements including, as the court may deem necessary, fines or disciplinary action, or both.

490:26-f Guardian Ad Litem Services.

I. Unless otherwise provided by law, whenever a guardian ad litem is appointed or ancillary services are approved pursuant to statutory authority or court order and the responsible party or parents are indigent, the state of New Hampshire shall be responsible for compensation for such services from the general fund.

II. Notwithstanding other provisions of law to the contrary, the state, by the judicial council, may contract with any person qualified under the supreme court rules to provide guardian ad

litem, ancillary, or legal services pursuant to statutory authority or court order, or with any organization approved by the supreme court to provide guardian ad litem, ancillary, or legal services. No such contract shall be effective for longer than 2 years.

III. Any guardian ad litem or guardian ad litem program shall be subject to supreme court competence and performance regulations.

IV. Notwithstanding other provisions of law to the contrary, the supreme court and executive departments statutorily responsible for compensation of guardian ad litem, ancillary, or legal services, when the responsible party or parents are indigent or the court otherwise appoints a guardian ad litem or such attorney, are authorized to effectuate budgetary transfer of funds appropriated for such services between and among themselves as they deem necessary.

V. The commissioner of administrative services, the director of the division of children and youth services, or the judicial branch, as may be appropriate, may authorize payments to such persons or organizations provided for under this section.

2 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Hemon offered a floor amendment.

Floor Amendment (2491B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the appointment of and payment of fees to guardians ad litem, and remedial action by the committee on constitutional and statutory revisions where there has been a potential violation of civil rights or inappropriate court action.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Supreme Court Authorization. Amend RSA 490 by inserting after section 26-d the following new sections:

490:26-e Guardians Ad Litem. The supreme court may establish the following relative to guardians ad litem appointed pursuant to statutory authority or any court order under RSA 458:17-a:

I. Standards and requirements for registration and training as a guardian ad litem.

II. Standards for practice, including but not limited to ethical rules.

III. Disciplinary procedures for violating ethical rules and requirements established under this paragraph.

IV. Penalties for violating ethical rules and requirements including, as the court may deem necessary, fines or disciplinary action, or both.

490:26-f Guardian Ad Litem Services.

I. Unless otherwise provided by law, whenever a guardian ad litem is appointed or ancillary or legal services are approved pursuant to statutory authority or court order under RSA 458:17-a, the state of New Hampshire shall be responsible for compensation for such services from the general fund.

II. Notwithstanding other provisions of law to the contrary, the state, by the judicial council, may contract with any person qualified under the supreme court rules to provide guardian ad litem, ancillary, or legal services pursuant to statutory authority or court order under RSA 458:17-a. No such contract shall be effective for longer than 2 years.

III. Any guardian ad litem or guardian ad litem program shall be subject to supreme court competence and performance regulations.

IV. Notwithstanding other provisions of law to the contrary, the supreme court and executive departments statutorily responsible for compensation of guardian ad litem, ancillary, or legal services are authorized to effectuate budgetary transfer of funds appropriated for such services between and among themselves as they deem necessary.

V. The commissioner of administrative services, the director of the division of children and youth services, or the judicial branch, as may be appropriate, may authorize payments to such persons or organizations provided for under this section.

490:26-g Civil Rights Violations; Inappropriate Court Action.

I. A parent, a responsible party or any other person who observes any potential civil rights violations or that the court or its agents are acting arbitrarily, capriciously, unreasonably or illegally, where a minor has been assigned guardian ad litem, ancillary, or legal services, shall file a complaint with the committee on constitutional and statutory revisions under part I, article 10 of the New Hampshire constitution.

II. The committee on constitutional and statutory revisions shall investigate the case and, based on its findings, shall recommend appropriate remedial legislation.

III. Upon a finding by the committee of a civil rights violation or that the court or its agents have acted arbitrarily, capriciously, unreasonably or illegally in the matter presented under paragraph I, the committee on constitutional and statutory revisions shall file a complaint on behalf of the minor, a parent, or a responsible party, pursuant to title 18, sections 241 and 242, of the United States Code, so that a federal jury may decide whether or not the court or its agents were in compliance with federal civil rights statutes and the United States Constitution and provide penalties accordingly.

IV. In any proceeding where guardian ad litem, ancillary, or legal services are approved pursuant to statutory authority or court order under RSA 458:17-a, the court shall provide a written statement to the minor, parent, or responsible party which shall set forth their rights under this section.

490:26-h Funding. All costs associated with any actions filed on behalf of the minor, parent or responsible party pursuant to RSA 490:26-g, III shall come from the judiciary operating budget.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill outlines criteria relating to the supreme court's appointment of and the payment of fees to guardians ad litem, and provides for remedial action by the committee on constitutional and statutory revisions where there has been a potential violation of the civil rights of the minor, a parent, or a responsible party, or inappropriate court action involving those individuals.

Rep. Hemon spoke in favor.

Rep. Gordon spoke against.

The floor amendment failed.

Report adopted and ordered to third reading.

SB 239-FN-L, relative to the public utilities commission. OUGHT TO PASS WITH AMENDMENT

Rep. Richard L. Cogswell for Science, Technology and Energy: The committee found agreement between the Public Utilities Commission and industry that a revised suspension schedule would be effective in expediting new-product filing. Vote 9-0.

Amendment (2256B)

Amend the bill by replacing all after the enacting clause with the following:

1 Time Limit on Suspension of Schedule. Amend RSA 378:6, I to read as follows:

I.(a) Pending any investigation of a rate schedule *which represents a general increase in rates* and the decision thereon, the commission may, by an order served upon the public utility affected, suspend the taking effect of said schedule and forbid the demanding or collecting of the rates, fares, charges or prices covered by the schedule for such period or periods, not to exceed 12 months in all, as in the judgment of the commission may be necessary for such investigation, except as provided in paragraph II.

(b) *For all other schedules filed with the commission, the commission may by an order served upon the public utility affected, suspend the taking effect of said schedule and forbid the demanding or collecting of rates, fares, charges or prices covered by the schedule for such period or periods, not to exceed 3 months from the date of the order of suspension, but if the investigation cannot be concluded within a period of 3 months, the commission in its discretion and with reasonable explanation may extend the time of suspension for 5 additional months.*

2 Suspension Period Added. Amend RSA 378:6, III to read as follows:

III. If for any reason the commission is unable to make its determination prior to the expiration of 6 months from the originally proposed effective date of a rate schedule, the public utility

affected may place the filed schedule of rates in effect, pending expiration of [such 12 or 18 months'] the appropriate suspension period, as provided in paragraph I or II, upon furnishing the commission with a bond in such form and with such sureties, if any, as the commission may determine. The bond and sureties, if any, shall secure the repayment to the customers of the public utility of the difference, if any, between the amounts collected under said schedule of rates and the schedule of rates determined by the commission to be just and reasonable.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the public utilities commission to suspend a rate schedule from taking effect for other than a general increase in rates, for up to 3 months to investigate the proposed rate schedule. The commission in its discretion, may extend the suspension time for 5 additional months.

Adopted.

Report adopted and ordered to third reading.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 29, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 62, establishing a committee to study child support issues.

SB 7, changing the bonding requirement for mortgage brokers.

SB 25, relative to charitable gifts of life insurance.

SB 53, relative to third party administrators.

SB 57, relative to accreditation under the insurance laws.

SB 50, extending the report date and adding additional members to the law enforcement and prosecutor task force.

SB 60, relative to solicitation of prostitutes.

SB 173, creating a correctional industries advisory board.

SB 175-FN, relative to a compact between New Hampshire and other states and probationers and parolees.

SB 248-FN-A, establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in southern New Hampshire.

SB 17-FN-A, establishing a committee to study methods of preventing and resolving disputes relative to educationally disabled students.

SB 31, repealing sections referring to the loyalty oath requirement which was repealed last year.

SB 92-FN, to rename the school for lifelong learning of the university system of New Hampshire, the college for lifelong learning of the university system of New Hampshire.

SB 160, relative to qualifications for unemployment benefits.

SB 132, relative to the Revised Statutes Annotated, and creating a committee to study the rulemaking process.

SB 72, relative to central business service districts.

SB 127, requiring the certain electric utility savings as a result of debt refinancings using tax-exempt pollution control revenue bonds be used for investment in energy conservation and efficiency.

SB 187-FN, relative to public utility ratemaking.

SB 152, relative to the real estate transfer tax assessment when a deed is given in lieu of a foreclosure.

SB 49, establishing a committee to study the feasibility of establishing a commercial shellfish and oyster aquaculture program.

SB 34-FN-L, including traumatic brain injury and autism in the definition of "educationally disabled child."

SB 81, creating a task force to coordinate resources addressing sexual assault and sexual harassment at postsecondary institutions.

SB 100, protecting animal facilities and organizations or projects involving animals.

SB 106, relative to a northeast interstate dairy compact.

SB 182-FN-L, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder.

SB 102, establishing a committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on the state and to study certain incentives and propose a state policy regarding the use of alternative transportation fuel vehicles.

SB 121, nullifying the law which amends RSA 457:29 relative to marriage license fees effective July 1, 1994, and raising the fee for marriage licenses.

SB 117, relative to the appointment of and payment of fees to guardians ad litem.

SB 239-FN-L, relative to the public utilities commission.

SUSPENSION OF RULES

Reps. Ann Torr and Trombly moved that the rules be so far suspended as to permit the Committee on Economic Development to hold public hearings on **SB 87**, relative to capital investment, venture capital, capital access and the business finance authority and capital formation; and relative to ambulatory care clinics; **SB 159**, relative to technological development, relative to inventor assistance and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport; **SB 236-FN-A**, allowing a tax credit against the business profits tax for certain businesses; **SB 94**, relative to a workforce development, making an appropriation to the department of post secondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition; **SB 196**, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefor, on Monday, April 26, 1993 without the required four days prior notice in the Calendar.

Adopted by the necessary two-thirds.

UNANIMOUS CONSENT

Reps. Dyer and Lefebvre addressed the House.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:50 p.m.

RECESS

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 22

Thursday, April 29, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill, his wife Heather and son Ian Steven Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Caroline Keilig from the First Congregational Church in Concord.

God of all people, we come before You today with praise and thanksgiving. We offer You our thanks for the trust that has been placed in us by those whom we represent, and ask Your presence and guidance with this legislative body, as it serves the public good. Be with these, Your servants, and bless their families and loved ones, so that each may feel Your spirit within. We also ask Your special blessings on the family of Mrs. Alan B. Shepard, mother of our first astronaut, whose death has touched many. We give thanks this day for the new joy that has touched our Governor and his wife with the birth of their son, Ian. May Your spirit of compassion, cooperation and justice lead us in our paths this day. Amen.

Rep. Stone led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Joan Kane, Record, Mc Nerney and Teschner, the day, illness.

Reps. Franks, Paul White, Carter, Linda Smith, Martin, Noyes, David Flanders, Allen, McKinney, Skinner, Lynch, Patricia Cote, Hazelton, Charles Cote and Dewhirst, the day, important business.

Rep. Eliades, the day, death in the family.

Rep. Pfaff, the day, illness in the family.

INTRODUCTION OF GUESTS

Michael Hussey, grandson of Rep. Senter. David Goss, Ernest Dugas and Linda Mack, guests of House Committee on Corrections & Criminal Justice. Ann L. Royce, wife of Rep. Royce. Steven, Dan and Casey Coes, family of Rep. Coes. Artie Chavez and John Drabinowicz, guest and son of Rep. Drabinowicz. David and Jeri Batchelder, guests of Rep. Guay. Betty Bickford, Ines Ferriter and Dorothy Flint, guests of Rep. Flint. Louise Delorier, Janette Crossman and Seth J. Prince, aunt, wife and grandson of Rep. Crossman. Connie, Jeffrey and Beth Stone, wife and grandchildren of Rep. Stone. Margaret and Barbara Borsa, wife and daughter of Rep. Borsa. Henry Hoffman, brother-in-law of Rep. Lachut. Former Rep. Arnesen, guest of Rep. David Young. Harold Berry, guest of Rep. Arthur Smith. Marric Buessing, daughter of Rep. Buessing. Florence Danko, guest of Rep. Trombly. Marie Manning, wife of Rep. Manning. Priscilla Lockwood and Caleb Parmenter Lockwood, wife and grandson of Rep. Lockwood. Joyce Green, guest of Rep. Moncrief. Brownie Troop #471, Erica Arndt, Amanda Hayes, Amanda Jensen, Lauren McCarthy, Katie McMahan, Katie Meissner, Heidi Monterisi, Christie O'Sullivan, Jenny Richard Kristen Rocheleu, Rachael St. Laurent and Sarah Strauss; their leader, Maureen Meissner and chaperones, Pattie Richard, Jane Monterisi and Lucy McCarthy, guests of Rep. Arndt. Members of the N.H. Association for Family & Community Education, guests of the House. The Surry 4-Corners members of the N.H. Association of Family and Community Education, guests of Rep. Pearson. Mary and Gene Mingle, parents of Rep. Marsha Pelletier.

RESOLUTION

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 61, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading referral

SB 61, relative to substitution of alternate jurors after final submission of a case to the jury. (Judiciary)

EXTENSIONS

The Committee on Environment and Agriculture requested a 14-calendar-day extension on **SB 197**, implementing Title V of the Clean Air Act.

Granted.

The Committee on Executive Departments and Administration requested 14-calendar extensions on:

SB 43, relative to the state board of auctioneers,

SB 133, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners and

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships.

Granted.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 313, relative to mortgage insurance. (Amendment printed SJ 15, 4/20/93)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 340, relative to technical changes in the small employer insurance law. (Amendment printed SJ 13, 4/8/93)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 348, standardizing forms used by insurance companies for medical benefits claims. (Amendment printed SJ 15, 4/20/93)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 399, removing a certain portion of the blue laws regarding Sunday business activity and relative to certain police regulations. (Amendment printed SJ 15, 4/20/93)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Simon, Drolet and Loder.

HB 521, relative to maternity benefits. (Amendment printed SJ 15, 4/20/93)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 131, repealing a penalty provision regarding anabolic steroids. (Amendment printed SJ 15, 4/20/93)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Donna Sytek, Apple, Hurst and Toomey.

HB 454-FN, removing the requirement that courts approve temporary transfers of county prisoners. (Amendment printed SJ 15, 4/20/93)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Andrews, Vivian Clark, Knowles and Donna Sytek.

HB 456-FN, modifying the bail statutes relative to persons arrested for violating certain protective orders. (Amendment printed SJ 15, 4/20/93)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Richard Campbell, Russell and Gorman.

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas. (Amendment printed SJ 15, 4/20/93)

Rep. Scanlan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Daigle, Lee, Betty Hall and Scanlan.

HB 585, requiring state agencies to purchase recycled materials. (Amendment printed SJ 15, 4/20/93)

Rep. Kathleen Ward moved that the House concur.

Adopted.

HB 110, relative to use and derivative use immunity. (Amendment printed SJ 15, 4/20/93)

Rep. Lown moved that the House concur.

Adopted.

HB 560, changing procedures regarding appointment of guardians of minors. (Amendment printed SJ 15, 4/20/93)

Rep. Lown moved that the House concur.

Adopted.

CONCURRENCE

HB 102, changing the penalty for DWI and boating while intoxicated while transporting a person under the age of 16.

HB 109-FN, increasing certain fees and making technical corrections in the tobacco tax and timber tax.

HB 128-FN, relative to the penalty for falsifying applications and to the fee for picture identification cards.

HB 163-FN, establishing a leaking underground storage tank cost recovery fund.

HB 215-FN, relative to extradition.

HB 220, relative to the committee studying the real estate valuation and revaluation process.

HB 238, authorizing a member of a cooperative school district to serve on a town budget committee.

HB 254-FN, relative to the authority of the state treasurer to void state checks and relative to increasing the fee for checks returned to the state.

HB 290, establishing priority of real estate tax liens.

HB 349, requiring that selectmen or assessing officials be allowed access to property as a prerequisite to appeal of any matter pertaining to a property tax.

HB 353, relative to the police commission in the town of Conway.

HB 363, exempting certain nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from obtaining such license in this state.

HB 434-FN, relative to the assessment of the oil import license fee.

HB 462-FN, relative to the victims' assistance fund.

HB 500, relative to the obligations of lessees of publicly owned property for the payment of property taxes.

HB 522, relative to the observance of Memorial Day.

HB 600-FN-L, relative to candidates who seek nomination by nomination papers.

HB 601-FN-A, exempting from the real estate transfer tax certain transfers between land trusts and housing cooperatives.

HB 607-FN, relative to the plea-by-mail program.

HB 645-FN, repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals, increasing a filing fee charged by the board; and relative to the effect of an abatement appeal on subsequent taxes.

HB 682, reducing the number of peremptory challenges to jurors available to both prosecutors and defense in a trial for murder in the first degree.

HB 693, legalizing the actions of the Kingston town meeting.

CONCURRENCE WITH AMENDMENT

SB 132, relative to the Revised Statutes Annotated, and creating a committee to study the rulemaking process.

NONCONCURRENCE

HB 307, permitting municipalities to contract with their road agents without competitive bidding.

HB 378, relative to the selection of members of the wetlands board.

HB 529, requiring certain billing procedures for custodial fees on IRA accounts.

HB 543, allowing municipalities to combine the offices of tax collector and treasurer.

HB 581, relative to the use of an altered form of identification to purchase alcoholic beverages.

CACR 9, Relating to a 4-year term for the office of governor.

ENROLLED BILLS AMENDMENTS

HB 152, changing the time period within which a claim may be submitted against the state.

Amendment (2538B)

Amend the bill by replacing line 3 of RSA 541-B:14, IV as inserted by section 1 of the bill: or property damage or the wrongful death resulting from bodily injury; provided,

Adopted.

HB 486, designating segments of the Piscataquog River for the rivers management and protection program.

Amendment (2325B)

Amend section 1 of the bill by replacing lines 2-3 with the following:
483:15 by inserting after paragraph IX the following new paragraph:

X.(a) Piscataquog River - north branch:

Adopted.

SB 186-FN, requiring the division of water supply and pollution control to set standards of design and construction for innovating or alternative waste treatment systems. (Amendment printed SJ 16, 4/27/93)

Adopted.

ENROLLED BILLS REPORT

HB 153, prohibiting the buying and selling of bear and requiring the executive director of fish and game to adopt rules relative to the taking of moose.

HB 237, requiring sporting clubs to recommend members to the fish and game commission.

HB 312, relative to protecting New Hampshire's heritage landmarks and establishing a review process.

HB 322, requiring insurers to provide insureds with a statement reflecting the dollar amount of allowable benefit for medical procedures.

HB 376, relative to the election by nonprofit corporations and municipalities to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund.

HB 369, requiring the commissioner of the department of environmental services and the director of public health services to study the issue of radon levels in the state of New Hampshire.

HB 418, relative to costs of prevailing employees under the workers' compensation law.

HB 478, allowing municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption.

HB 655, requiring the legislature to participate in the waste reduction and recycling program.

SB 34, including traumatic brain injury and autism in the definition of "educationally disabled child."

SB 92, to rename the school of lifelong learning of the university system of New Hampshire, the college for lifelong learning of the university system of New Hampshire.

SB 98, relative to fees charged for processing and approval of residential mortgage loan applications.

SB 152, relative to the real estate transfer tax assessment when a deed is given in lieu of a foreclosure.

SB 175, relative to a compact between New Hampshire and other states and probationers and parolees.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 164-FN, relative to the OHRV fund, was removed at the request of Rep. John Chandler. Consent Calendar adopted.

SB 47, relative to prosecuting petitions under the uniform reciprocal enforcement of support act. **INEXPEDIENT TO LEGISLATE**

Rep. Josephine Mayhew for Children, Youth and Juvenile Justice: This bill makes a technical change in RSA 546:2. After this bill came to the committee, we found that Appropriations had already made this change in HB 2-FN therefore this bill was no longer needed. Vote 18-0.

SB 48, relative to the children's trust fund. **OUGHT TO PASS**

Rep. Carol H. Holden for Children, Youth and Juvenile Justice: This bill amends RSA 169-C:39-d to increase the size of the New Hampshire Child Abuse Trust Fund Board. It also gives the board the authority to seek funding from other sources. Vote 18-0.

SB 67, relative to wage assignment for child support. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carol Moore for Children, Youth and Juvenile Justice: SB 67 provides criteria relative to wage assignments for child support. As of 1/1/94, wage assignments will automatically be withheld unless the parties come to an agreement between them. The committee felt this concurred with Federal guidelines while leaving options for wage assignment. Vote 16-1.

Amendment (2508B)

Amend the bill by replacing section 1 with the following:

1 Assignment of Wages. Amend RSA 458:17, I to read as follows:

I. In all cases where there shall be a decree of divorce or nullity, the court shall make such further decree in relation to the support, education, and custody of the children as shall be most conducive to their benefit and may order a reasonable provision for their support and education. All such support orders shall provide for the [withholding] *assignment* of the wages of the responsible parent [if arrearage occurs in the payment of the child support] *pursuant to RSA 458-B, including the exceptions listed in RSA 458-B:2.*

Amend the introductory paragraph of RSA 458-B:2, I as inserted by section 3 of the bill by replacing it with the following:

I. Child support, spousal support or combination child and spousal support orders issued or modified after January 1, 1994, whether payable through the division or directly to an obligee, shall include a provision assigning a portion of the obligor's wages, salaries, commissions, earnings, or other periodic income from whatever source, except as expressly limited by law. Such assignment shall take effect immediately if the state is paying public assistance for the benefit of the minor children. In all other cases, where the state is not paying public assistance, the assignment may be suspended by the court:

Amend RSA 458-B:2, II(a) as inserted by section 3 of the bill by replacing it with the following:

II.(a) In the event that an assignment is suspended in the first instance, it shall take effect at the request of the obligor; upon a court finding that the obligor is in violation or contempt of an order of support; or after notice and an opportunity to contest pursuant to RSA 458-B:5 and RSA 458-B:7, when the state has commenced payment of public assistance for the benefit of a child, or when an arrearage amounting to the support owing for a one month period has accrued.

Amend RSA 458-B:2, III(d) as inserted by section 3 of the bill by replacing it with the following:

(d) In the case of orders not subject to immediate wage assignment under subparagraphs III(a), (b) and (c) of this section, wage assignment may be initiated upon a court finding that the obligor is in violation or contempt of an order of support or, after notice and an opportunity to contest pursuant to RSA 458-B:5 and RSA 458-B:7, when the state has commenced payment of public assistance for the benefit of a child or when an arrearage amounting to the support owing for a one month period has accrued.

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Wage Assignment Initiated Upon a One Month Arrearage. Amend RSA 458-B:3 by inserting after paragraph VI the following new paragraph:

VII. When the arrearage on support obligations payable through the division accumulates to an amount equal to the support obligation for one month, a wage assignment shall be initiated without requiring the division to amend the support order or seek further action by the court or administrative body that issued the order.

Amend the bill by replacing section 7 with the following:

7 Unemployment Compensation Benefits Subject To Withholding. Amend RSA 458-B:4, V to read as follows:

V. When child support is payable through the division and an obligor receives unemployment compensation benefits, the benefits payable to the obligor shall be subject to withholding by assignment. The amount withheld from [unemployment compensation] the benefits pursuant to RSA 282-A:159, II shall be 20 percent of the obligor's weekly benefit amount, [or] any benefits payable up to that amount, **or the amount of the order of child support, whichever is less.** The obligor may voluntarily increase the withheld amount up to the full amount of his unemployment benefits. **Notwithstanding the foregoing, a court issuing or modifying an order for support may order that more than 20 percent of the obligor's weekly benefit amount be withheld.**

Amend RSA 458-B:5, II and III as inserted by section 9 of the bill by replacing it with the following:

[V.]III. **For orders issued or modified on or after October 1, 1985, when support is not payable through the division and wages are not subject to immediate assignment under this chapter, including cases subject to a finding of good cause or to a written agreement,** [where] before an individual or [his] a legal representative [is seeking] **seeks** to establish a wage assignment payable directly to [a client] **an obligee,** [the] notice **must be given** to the obligor [shall be given] at least 15 days prior to [notice of the] commencement of wage [withholding] **assignment** procedures under this chapter. The notice to the obligor shall include the notice provisions under [paragraphs I, II, and III] **subparagraphs (a), (b), and (c)** and a notice of the period within which the [payor] **obligor** must [make] **give** written [contact with] **notice to** the [plaintiff] **obligee** in order to contest the [withholding] **assignment.**

[VI.]III. The notice provisions under this section shall also apply in **all** cases [where] **when** wage [withholding] **assignment** is to be increased to address arrearages, **when the wage assignment to be withheld by the division from unemployment compensation.**

Amend RSA 458-B:7, I(b) as inserted by section 10 of the bill by replacing it with the following:

[II.](b) If the obligor contests the withholding as provided in this section, the notice to the employer required under RSA 458-B:6 shall not be sent until a decision is made under subparagraph I[(b)] (a)(2).

Amend RSA 458-B:7, II as inserted by section 10 of the bill by replacing it with the following:

[III.]II. **In cases not subject to immediate assignment under RSA 458-B:2, I and in which support is not payable through the division, and** where an [individual] **obligee** [or his legal representative] is seeking to establish or implement a wage assignment under this chapter, **if an obligor contests assignment,** a judicial determination must be made prior to [instituting] **initiating** the wage assignment.

Amend RSA 458-B:9 as inserted by section 11 of the bill by replacing it with the following:

11 **Judicial** Wage Assignment. Amend RSA 458-B:9 to read as follows:

458-B:9 **Judicial** Wage Assignment [Prior to Accrual of Arrearage]. Nothing in this chapter precludes a judge **upon petition of a party or sua sponte** from [invoking the provisions of this chapter] **ordering an immediate wage assignment** without accrual of arrearages, when it is deemed to be in the best interest of the child, [payee] **obligee,** or [payor] **obligor** to do so. A judicial order under the terms of this chapter will satisfy all due process required by this chapter.

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 14.

13 Repeal. The following are repealed:

- I. RSA 458-B:3, IV relative to individual action to seek a wage assignment for child support, spousal support, or combination child and spousal support.
- II. RSA 458-B:3, VI relative to written agreements for alternative payment of support, and a finding of good cause not to require income withholding.
- III. RSA 458-B:4, I and II relative to arrearage and the amount withheld on child support obligations.

SB 174-FN, relative to the notice to counties when children are placed by a court order.
ought to pass with amendment

Rep. Carol H. Holden for Children, Youth and Juvenile Justice: SB 174-FN adds the wording "and the relevant county" to sections of RSA 169. Passage of this bill ensures that upon issuance of a court order for placement, the county shall receive notice and may request a hearing for the recovery of funds. Vote 17-0.

Amendment (2473B)

Amend the bill by replacing all after the enacting clause with the following:

1 County Included. Amend RSA 169-B:35 to read as follows:

169-B:35 Juvenile Records. Except as provided in RSA 169-B:24 and RSA 169-B:39, all records pertaining to cases of delinquency shall be kept at all times so that no one shall have access to the same except officers of the institution where the minor is committed, juvenile services officers, parent, guardian, custodian, minor's attorney, *the relevant county*, and others entrusted with the corrective treatment of said minor. Additional access may be granted by court order or upon the written consent of the minor. Once a delinquent reaches 19 years of age, all court and individual institutional records including police records shall be sealed and placed in an inactive file.

2 County Included. Amend RSA 169-B:40, II to read as follows:

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state *and relevant county*. The state *and relevant county* may, within 30 days from the receipt of notice, request a hearing on the issue of recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state *and relevant county*.

3 County Included. Amend RSA 169-C:25, III(c) to read as follows:

(c) Persons or agencies including, but not limited to, foster parents, group homes, *the relevant county*, and child care institutions who receive children for placement pursuant to court proceedings under this chapter.

4 County Included. Amend RSA 169-C:27, II to read as follows:

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state *and relevant county*. The state *and relevant county* may, within 30 days from receipt of notice, request a hearing on the issue of recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the child's support and necessities, to the state *and relevant county*.

5 County Included. Amend RSA 169-D:25 to read as follows:

169-D:25 Records. All records pertaining to cases of children in need of services shall be kept at all times so that no one, except juvenile services officers, others entrusted with the supervision of said child, the child, a parent, guardian, custodian, *the relevant county*, and the child's attorney shall have access to the same. Additional access may be granted by order or written consent of the child. Once a child in need of services reaches 18 years of age, all court and police records shall be destroyed.

6 County Included. Amend RSA 169-D:29, II to read as follows:

II. Upon the issuance of the order in paragraph I, the court shall send notice to the state *and relevant county*. The state *and relevant county* may, within 30 days from receipt of notice, request a hearing on the issue of recovery. At such hearing, the court shall provide all financial information including names and addresses of persons chargeable by law for the child's support and necessities, to the state *and relevant county*.

7 Effective Date. This act shall take effect 60 days after its passage.

SB 6, permitting the bank commissioner to regulate municipal development authorities and organizations and not-for-profit development organizations which become small business lenders through certain federal and state loan programs. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: The bill, as amended, enables economic development agencies within municipalities to be United States Small Business Administration lenders. Such lendees shall be subject to inspection as nonbank lenders by the bank commissioner. The bill also protects municipalities who do not choose to be United States Small Business Administration lenders from inspection unless they request it in writing. Vote 14-0.

Amendment (2458B)

Amend the title of the bill by replacing it with the following:

AN ACT

permitting the bank commissioner to examine and report on certain non-bank lenders.

Amend the bill by replacing section 1 with the following:

1 New Sections; Non-Bank Lenders. Amend RSA 383 by inserting after section 9-d the following new sections:

383:9-e Corporations as Small Business Lenders. If a corporation becomes a small business lender through any loan program by the United States Small Business Administration, which requires the corporation to meet banking requirements and to be examined at least annually by the New Hampshire banking department, an examination shall be made by the bank commissioner of the activities of the small business lender, and such reports shall be available to the United States Small Business Administration. The corporation shall not be deemed a banking institution, but shall be subject to the supervision, examination, control and enforcement authority of the bank commissioner under RSA 383 with regard to its loan portfolio. The bank commissioner shall make an annual report of the small business lender, and such report shall be available to the guarantying agency including the United States Small Business Administration. The corporation shall pay the cost of any such examination by the commissioner under RSA 383:11.

383:9-f Other Non-Bank Lenders. If a municipal industrial development authority, a city development office, or a not-for-profit development organization becomes a small business lender through any program which requires that it be examined by the New Hampshire Banking department, the authority or organization shall not be deemed a banking institution, but the New Hampshire banking department, upon written request from the organization, shall have the authority to examine and report on such authorities or organizations with regard to their loan portfolios. The cost of any such examination shall be paid by the authority or organization requesting the examination. This statute does not in any way permit or require that the bank commissioner examine these non-bank, non-Small Business Administration lenders, except when specifically requested to do so, in writing, by the non-bank lender to be examined.

AMENDED ANALYSIS

This bill permits the bank commissioner to examine and report on certain non-bank lenders.

SB 22, relative to foreclosure notification waiver. OUGHT TO PASS WITH AMENDMENT

Rep. Suzanne K. Loder for Commerce, Small Business and Consumer Affairs: This bill allows a mortgagor or lienholder on a mortgage who was not properly notified of a mortgage foreclosure to waive the right to such notice thereby validating the foreclosure deed. The amendment provides that the waiver of such notice shall be recorded in the registry of deeds. If such notice is not waived by the mortgagor or lienholder, such person has a year and a day to file a claim challenging the validity of the foreclosure deed. Vote 13-0.

Amendment (2203B)

Amend RSA 479:25, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No foreclosure sale shall be invalid or ineffectual to foreclose a mortgage pursuant to this section if any party entitled to be sent notice and not sent such notice shall, either before or after such foreclosure sale, waive its right to have been sent such notice, or if the lien or interest

of such party in the mortgaged premises, shall at any time be released or discharged. A waiver of notice authorized or validated under this section shall be recorded in the registry of deeds in the county where the property is situated.

SB 26, relative to contracts between public adjusters and insureds. OUGHT TO PASS WITH AMENDMENT

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: This bill requires public adjusters to include a statement in their contracts with insureds, which states that the insureds have two business days to cancel the contract and may file complaints with the Insurance Department by calling a toll-free number. This bill also requires public adjusters to complete 15 hours of continuing education every two years and insurance claims adjusters to complete 30 hours of continuing education every two years. Vote 13-1.

Amendment (2464B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to contracts between public adjusters and insureds
and relative to continuing education for adjusters.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Continuing Education for Insurance Claims Adjusters. Amend RSA 402-B by inserting after section 5 the following new section:

402-B:5-a Continuing Education. Every 2 years, at least 60 days prior to the renewal date of their license, persons holding an adjusters license shall be certified by the insurance department as having completed 30 hours of continuing education instruction. Such continuing education instruction shall be approved by the insurance department. Any credits earned as required by RSA 281-A:63 shall apply to the continuing education requirement of this section.

2 New Section; Continuing Education. Amend RSA 402-D by inserting after section 4 the following new section:

402-D:4-a Continuing Education. Every 2 years, at least 60 days prior to the renewal date of their license, persons holding a public adjusters license shall be certified by the insurance department as having completed 15 hours of continuing education instruction. Such continuing education instruction shall be approved by the insurance department.

3 New Paragraph; Contracts with Public Adjusters. Amend RSA 402-D:5 by inserting after paragraph II the following new paragraph:

II-a. Any contract for services entered into between a public adjuster and an insured shall contain a provision, which shall be prominently made a part of the contract and which shall state, in substance: "You have the right, at your option, to rescind this contract at any time within 2 business days after the end of the day you sign it. Should you wish to discuss this matter with the New Hampshire insurance department, it can be reached, toll-free, by dialing 1-800-852-3416."

4 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill requires public adjusters to include a statement in their contracts with insureds, which states that the insured has 2 business days to cancel the contract and may file complaints with the insurance department by calling a toll-free number.

The bill also requires public adjusters and insurance claims adjusters to complete 30 hours of continuing education every 2 years.

SB 96, making the State Credit Union Act conform with the Federal Credit Union Act. OUGHT TO PASS WITH AMENDMENT

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill brings state statutes into conformity with federal law and provides the bank commissioner with non-lapsing rulemaking authority in regard to credit unions. Vote 15-0.

Amendment (2459B)

Amend the bill by replacing section 8 with the following:

8 New Section; Advantageous Federal Powers. Amend RSA 394-B by inserting after section 52 the following new section:

394-B:52-a Advantageous Federal Powers. To the extent permitted by rules which may be adopted by the commissioner in accordance with RSA 394-A:7, any credit union shall have and may exercise any power, right, benefit or privilege, now or hereafter authorized for federal credit unions by federal legislation, regulation or ruling.

SB 244, increasing the penalties for persons convicted of negligent homicide, including mandatory license revocation. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. William Johnson for Corrections and Criminal Justice: This bill provides that any person, while under the influence of intoxicating liquor or a controlled drug and driving a propelled vehicle or a boat after revocation or suspension, is subject to increased penalties if he causes the death of another person. Vote 14-0.

Amendment (2196B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the penalties for persons convicted of negligent homicide.

Amend the bill by replacing all after the enacting clause with the following:

1 Driving After Revocation or Suspension. Amend RSA 263:64, IV to read as follows:

IV. Any person who violates this section by driving a motor vehicle in this state during the period of suspension or revocation of his license or driving privilege for a violation of RSA 265:79 shall be guilty of a misdemeanor. Any person who violates this section by driving a motor vehicle in this state during the period of suspension or revocation of his license or driving privilege for a violation of RSA 265:82 [or], RSA 265:82-a, *or RSA 630:3, II* shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period not less than 7 consecutive 24-hour periods to be served within 6 months of the conviction, shall be fined not more than \$1,000, and shall have his license or privilege revoked for an additional year. No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court. No case brought to enforce this paragraph shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by title LXII or any other provision of law.

2 Combination of Liquor and Drugs; Negligent Homicide. Amend RSA 630:3, II to read as follows:

II. A person is guilty of a class A felony when in consequence of [his] being under the influence of intoxicating liquor or a controlled drug *or any combination of intoxicating liquor and controlled drug* while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 270:48, II, he causes the death of another.

3 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill makes it a misdemeanor for any person to drive a motor vehicle during the period of suspension or revocation for negligent homicide.

SB 247-FN, clarifying who is subject to refusal of consent provisions for DWI under the OHRV and boating laws and requiring blood alcohol testing in certain boating accidents. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. William Johnson for Corrections and Criminal Justice: The bill clarifies who is subject to the refusal of consent provisions for DWI. Also, the bill makes certain that the refusal of consent provisions for motor vehicle offenses also applies to OHRV and boating. The bill allows for blood testing in boat accidents which result in death or serious bodily injury and includes persons who are poly-users of both liquor and controlled drugs. The amendment establishes a two-year pilot program for OADAP and eliminates the Sunset provisions of the OADAP multiple DWI offender program. Vote 15-0.

Amendment (2416B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to refusal of consent for DWI under the OHRV and boating laws, requiring blood alcohol testing in certain boating accidents, establishing a pilot program for additional intervention programs and repealing the law eliminating the DWI intervention program.

Amend the bill by replacing all after section 4 with the following:

5 Pilot Program Established.

I. There is hereby established a 2-year pilot program authorizing the director of the office of alcohol and drug abuse prevention to accept clients other than DWI clients at the multiple DWI offender program. The New Hampshire office of alcohol and drug abuse prevention is authorized to utilize the state-operated multiple DWI offender intervention detention center to provide additional intervention programs for those found guilty of substance abuse related offenses other than DWI.

II. The director shall establish cooperative agreements with a limited number of courts to participate in the project. The participating courts shall be mutually agreed upon between interested courts and the director.

III. The director, in consultation with participating courts, shall adopt rules pursuant to RSA 541-A, relative to the eligibility criteria for acceptance and all other matters pertinent to the operation of this pilot project including the establishment and payment of program fees by these clients.

6 Repeal. 1991, 336:5 relative to the elimination of the state-operated program is repealed.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that any person arrested for any violation or a misdemeanor under the OHRV or boating laws would be subject to the same penalties as provided in the refusal of consent laws in RSA 265:92 for DWI (OHRV) or under the boating laws, as applicable.

This bill requires blood alcohol testing in boating accidents resulting in death or serious personal injury as is done under current law in cases involving motor vehicle fatalities or injuries.

This bill establishes a 2-year pilot program at the multiple DWI offender program to provide additional programs for those found guilty of substance abuse related offenses other than DWI.

This bill also repeals the law that eliminates the state-operated multiple DWI offender intervention program if the program was not self-supporting.

SB 105, relative to the rulemaking authority of commissioners of state departments. **OUGHT TO PASS**

Rep. Kathleen W. Ward for Executive Departments and Administration: The committee was unanimous that this authority is vested in the commissioners and the purpose of this legislation is to insure that the law is applied to all existing and future rulemaking authority. Vote 16-0.

SB 42, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee asked for this bill to be recommitted in order to have a proper hearing on an amendment that would add a member of the Professional Firefighters Association to the Emergency Medical Services Coordinating Board. It was discussed at length, and the committee voted unanimously to support the bill as amended. Vote 16-0.

Amendment (2448B)

Amend the title of the bill by replacing it with the following:

AN ACT

revising the committee studying a statewide trauma care system and extending the completion date for the committee's work and adding a member to the emergency medical services coordinating board.

Amend the bill by replacing all after section 4 with the following:

5 Application. The new members to the committee shall be appointed within 30 days of the effective date of this section.

6 Number Increased; Emergency Medical Services Coordinating Board. Amend RSA 151-B:3, I to read as follows:

I. The emergency medical services coordinating board is created, consisting of [15] 16 members appointed as set out in paragraphs II and III.

7 Member Added; Emergency Medical Services Coordinating Board. Amend RSA 151-B:3, II(m) to read as follows:

(m) *One member from the Professional Firefighters of New Hampshire.*

(n) Three members from the general public, representing geographic divisions of the state.

8 Reference Change. Amend RSA 151-B:3, III to read as follows:

III. Each member from subparagraphs II(a)-(l)] (m) shall be nominated by the appropriate organization to the governor for appointment. The term of a member shall be 3 years or until a successor is appointed and qualified. The governor shall fill any vacancy in the same manner as the original appointment. In case of a vacancy other than by expiration of the term, the appointment shall be for the balance of the unexpired term and shall be considered a term for the purposes of the limitation on terms. No member shall serve more than 3 consecutive terms.

9 Effective Date.

I. Sections 6-8 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds new members to the committee studying the feasibility of developing a statewide trauma care system and extends the reporting date of the committee.

The bill also adds a member to the emergency medical services coordinating board.

SB 130, requiring disciplinary action against a physician for certain prohibited conduct. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: SB 130 requires the board of registration in medicine to take disciplinary action against any person licensed by it upon finding that the person has knowingly provided false information during any application for professional licensure or hospital privileges. All of the testimony supported the bill, which the committee feels will give the board the ability to deal swiftly with such problems. Vote 17-0.

Amendment (2454B)

Amend the bill by replacing section 1 with the following:

1 Fraud In Applying For or Procuring a License. The introductory paragraph of RSA 329:17, VI and RSA 329:17, VI(a) are repealed and reenacted to read as follows:

VI. The board, after hearing, shall take disciplinary action against any person licensed by it upon finding that the person:

(a) Has knowingly provided false information during any application for professional licensure or hospital privileges, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

SB 229-FN-L, relative to the requirements for sprinkler systems. **INEXPEDIENT TO LEGISLATE**

Rep. Lucien G. Bergeron for Public Protection and Veterans Affairs: The subcommittee study and research effort found a memo dated January 9, 1991, from the state fire marshal's office to all fire chiefs, listing the new state fire code that emphasizes home rule authority. Under the current RSA 153.5 the authority to issue waivers is in "Life Support Code 101", Section 1-5 Equivalency Concepts, paragraphs 1-5.1, 1-5.2, 1-5.3. Home rule authority having jurisdiction should be maintained. The committee agreed. Vote 12-0.

SB 202-FN, relative to special plates and windshield placards for persons with walking disabilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Fred A. Kruse for Transportation: This bill moves the New Hampshire statutes governing special plates and placards into compliance with federal standards and assures national recognition of NH walking disabilities plates and placards. Vote 15-0 .

Amendment (2425B)

Amend the bill by replacing section 2 with the following:
2 Free Parking. Amend RSA 265:74 to read as follows:

265:74 Parking Privileges for Persons with Walking Disability. Any motor vehicle carrying the special plates[, decals, or card] *or hanging windshield placard* issued to a person with a walking disability under RSA 261:88, or a similar license plate, [decal, or card issued by another state or country] displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged, for a continuous period of not more than 24 hours. The free parking shall only be allowed if the person who qualifies for the [plate, decal, or card] *special plates or hanging placard* is being transported in the vehicle to or from the parking place. *Parking places designated for persons with walking disabilities shall be utilized only if a person with a walking disability is being transported in the vehicle to or from the parking place.*

SB 70, requiring that dogs and cats placed by shelters and pounds be spayed or neutered. INEXPEDIENT TO LEGISLATE

Rep. Charles H. Felch, Sr. for Wildlife and Marine Resources: The committee felt that most humane societies have the intent of the bill already in place. It seems this bill would create a hardship on smaller shelters and municipalities. Vote 14-0.

REGULAR CALENDAR

SB 65, requiring health care providers to disclose an ownership interest in any entity to which they refer patients. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill requires all health care providers who have an ownership interest in a diagnostic or therapeutic service to disclose that ownership and report to the Division of Public Health the number of referrals that are being made to those entities. Vote 12-1.

Amendment (2482B)

Amend RSA 125:25-b, V as inserted by section 2 of the bill by replacing it with the following:

V. This section shall not apply to in-office diagnostic services.

Amend RSA 125:25-c as inserted by section 2 of the bill by replacing it with the following:
125:25-c Disclosure to the Division of Public Health Services.

I. Any health care practitioner who has an ownership interest in an entity which provides diagnostic or therapeutic services, or receives compensation or remuneration for referral of a patient to an entity which provides diagnostic or therapeutic services, shall disclose such interest and the total number of referrals of those diagnostic or therapeutic services to the division of public health services regardless of whether such referrals are provided to the health care practitioner's entity or any other entity.

II. Any entity in which a health care practitioner has an ownership interest shall report quarterly to the division the total number of referrals that such entity has received, and the number of referrals by each individual provider, who shall be identified by name, having an ownership interest in such entity.

III. Such information shall be disclosed on a form provided by the division, which shall list all diagnostic and therapeutic services from which the practitioner receives remuneration or compensation for referrals.

IV. An entity which provides diagnostic and therapeutic services shall include services provided by an entity within a hospital, but which is not owned by the hospital.

V. This section shall not apply to in-office ancillary services.

VI. Disclosure of currently held ownership interests in such entities shall be reported on or before January 1, 1994. All ownership interests assumed after January 1, 1994, shall be reported to the division within 30 days after such acquisition.

VII. Health care practitioners or any entity identified in RSA 125:25-c, II shall report quarterly to the division pursuant to RSA 125:25-c, I or II. Such reports shall be due within 30 days after the end of each quarter effective January 1, 1994.

VIII. Failure to report such ownership interest may result in the suspension of one's professional license or registration. Failure to report the number of referrals to such entities may result in a fine of \$25 per day until such report is received. Failure to report the number of referrals received by an entity may result in a fine of \$25 per day until such report is received. The division shall administer such suspensions and assess such fines.

Amend the bill by replacing section 3 with the following:

3 Report to the Legislature. All such ownership interests in and referrals to such entities shall be reported by the division to the speaker of the house and senate president on or before April 1, 1995. The division shall also include in this report recommendations as to expanding, amending, or repealing the requirements of this act.

AMENDED ANALYSIS

This bill requires all health care providers and entities providing diagnostic and therapeutic services to disclose ownership interests in any entity which provides diagnostic and therapeutic services. Any entity in which a health care practitioner has an interest must report to the division of public health services certain information concerning referrals.

Adopted.

Report adopted and ordered to third reading.

SB 76, establishing the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product for injury or damage caused by such product. **ought to pass with amendment**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill establishes the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product under certain circumstances for injury or damage caused by such product. New Hampshire will be the first state to pass this type of protection for a manufacturer. Vote 15-0.

Amendment (2259B)

Amend RSA 359-F:2, I-III as inserted by section 1 of the bill by replacing them with the following:

I. In the event that a claim is asserted, or litigation is commenced, against a New Hampshire manufacturer by a party who alleges injury or damage caused, in whole or in part, by a New Hampshire product, the New Hampshire manufacturer shall be entitled to indemnification from the original purchaser or lessee or any subsequent owner or lessee of the New Hampshire product, in the event that the alleged injury or damage would not have occurred if:

(a) Guards or other safety devices supplied with the New Hampshire product had not been removed or otherwise rendered inoperative; or

(b) The New Hampshire product had been installed, operated and maintained in accordance with the New Hampshire manufacturer's recommended instructions and procedures, provided that, at the time of sale or lease of the New Hampshire product, the New Hampshire manufacturer's recommended instructions and procedures related to subsequent safety enhancements of the New Hampshire product.

II. The indemnification obligation of the purchaser or lessee of the New Hampshire product under paragraph I applies to all judgments, settlements, costs and expenses, including attorneys' fees, rendered against or incurred by the New Hampshire manufacturer in the investigation, defense and settlement of claims and litigation as described in paragraph I. Such indemnification obligation shall exist whether the action or inaction described in subparagraph I(a) or (b), is attributable to the purchaser or lessee, or the officers, directors, employees, agents or contractors of either the purchaser or lessee.

III. The right to indemnification established in paragraph I shall be considered a matter of New Hampshire law, enforceable as such in any court or other forum of adjudication. Such right survives any subsequent sale or lease of the New Hampshire product, and remains enforceable so long as the New Hampshire manufacturer remains potentially liable for damages as a consequence of the action or inaction described in subparagraphs I(a) and (b).

Amend RSA 359-F:2, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Any written original sale or lease contract for a New Hampshire product shall contain a notice in substantially the following form: "A right to indemnification for losses caused by abuse or misuse of this product is established by New Hampshire law, pursuant to chapter 359-F of the New Hampshire Revised Statutes Annotated."

Amend the bill by replacing section 2 with the following:

2 Applicability. This act shall apply to any New Hampshire product sold or leased on or after January 1, 1994.

3 Effective Date. This act shall take effect January 1, 1994.

Adopted.

Rep. Hunt offered a floor amendment.

Floor Amendment (2556B)

Amend RSA 359-F:2, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The New Hampshire product had been installed, operated and maintained either in accordance with the New Hampshire manufacturer's recommended instructions and procedures provided at the time of sale or lease of the New Hampshire product or in accordance with the New Hampshire manufacturer's recommended instructions and procedures related to subsequent safety enhancements of the New Hampshire product.

Rep. Hunt spoke in favor.

Adopted.

Rep. Hemon offered a floor amendment.

Floor Amendment (2580B)

Amend RSA 359-F:2, III as inserted by section 1 of the bill by replacing it with the following:

III. The right to indemnification established in paragraph I shall be considered a matter of New Hampshire law, enforceable as such in any New Hampshire court or other New Hampshire forum of adjudication. Such right survives any subsequent sale or lease of the New Hampshire product, and remains enforceable so long as the New Hampshire manufacturer remains potentially liable for damages as a consequence of the action or inaction described in subparagraphs I(a) and (b).

Amend RSA 359-F:2 as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. Any attorney who represents a client in the litigation of a claim under this chapter shall, if such claim is subsequently found to be frivolous or without merit, be required to reimburse the client for:

(a) Any judgment for indemnification against the client;

(b) Attorney's fees and any other costs and expenses, including settlements, incurred by the client; and

(c) An amount up to a maximum of \$10,000 for mental or emotional pain, anguish, or distress suffered by the client as a result of litigation of the claim.

Rep. Hemon spoke in favor.

Rep. Hunt spoke against and yielded to questions.

The amendment failed.

Report adopted and ordered to third reading.

SB 191-FN, relative to the New Hampshire real estate practice act. OUGHT TO PASS WITH AMENDMENT

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill revises the entire chapter relating to real estate brokers and sales persons. The major issue the committee struggled with is whether the bonding for each broker should be a flat \$25,000 or more directly related to the size of the escrow account, which the bond is used for. The committee amendment makes the bond directly proportional to the escrow accounts with a floor at \$5,000 and a ceiling of \$100,000. The committee felt it was important to not burden the small real estate offices with excessive bonding, but felt larger offices could afford a greater bond. The overall effect is to bet-

ter protect the consumer without bankrupting realtors. The Fiscal Note calls for an increase of state revenue by an undeterminable amount. There will be no impact on state and local expenditures or on county and local revenues. Vote 10-2

Amendment (2472B)

Amend RSA 331-A:2, III as inserted by section 1 of the bill by deleting subparagraph (k).

Amend RSA 331-A:10, V as inserted by section 1 of the bill by replacing it with the following:

V. For an individual broker license including a principal broker or a managing broker, but excluding a corporation, partnership, or association, files a surety bond with the commission which shall be held in accordance with RSA 331-A:13.

Amend RSA 331-A:14 as inserted by section 1 of the bill by replacing it with the following:

331-A:14 Bonds. No broker's license shall be issued until the applicant gives to the commission a surety bond in the form approved by the commission in a sum of not less than \$5,000 but not more than \$100,000, executed by the applicant and by a surety company authorized to do business in this state. No broker's license shall be renewed until the applicant gives to the commission a surety bond in the form approved by the commission in a sum equal to 110 percent of the average daily balance of all the broker's escrow accounts over the prior 2-year licensing period, but not less than \$5,000 nor more than \$100,000, executed by the applicant and by a surety company authorized to do business in this state. The bond shall be payable to the state of New Hampshire, for the benefit of any person aggrieved, and shall be conditioned upon the faithful accounting by the broker for all funds entrusted to the broker in the broker's capacity as a licensed principal or managing real estate broker. Any person so aggrieved may bring suit on the bond in the person's own name; provided that the aggregate liability of the surety to all persons shall, in no event, exceed the sum of such bond. The commission may revoke the license of any broker whenever the bond filed by the broker ceases to be in full force and effect.

Amend RSA 331-A:17, IV-VI as inserted by section 1 of the bill by replacing them with the following:

IV. The license of a real estate salesperson shall be retained at all times by the broker and whenever a licensed salesperson changes his affiliation from one licensed broker to another or ceases to represent the broker, the broker shall notify the commission in writing of the termination. Such notice shall be accompanied by the salesperson's license. Failure of any broker to notify the commission of such salesperson's termination within 10 days after demand by the salesperson shall be grounds to discipline the broker.

V. The commission shall issue a new license for the unexpired term if the salesperson meets all requirements of licensure, upon receipt of a statement from a broker, together with the appropriate fee, that such salesperson has become affiliated with such broker.

VI. The license of an unaffiliated salesperson shall lapse unless the person obtains an affiliation with a broker within a period of 2 years.

Amend RSA 331-A:26, XXI as inserted by section 1 of the bill by replacing it with the following:

XXI. Directing any transaction involving licensee's principal to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate.

Adopted.

Report adopted and ordered to third reading.

SB 227-FN, establishing a revenue-neutral initial public offering exemption for national securities markets and clarifying which securities markets do not qualify for an exemption. INEXPEDIENT TO LEGISLATE

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: SB 227-FN would eliminate the state's Security Office oversight of initial public offerings. At present, they may be sold in New Hampshire provided they have the Securities Office's clearance. In view of the high risk factor in many initial public offerings (an issue can be listed on the New York Stock Exchange with capital worth of as little as \$4,000,000), it was the sense of the committee that this in state perusal of any initial public offering would serve as further protection for the consumer. There was also concern expressed that if SB 227-FN becomes law, the state could suffer substantial financial loss. Vote 13-3.

Adopted.

SB 79, also known as the "Kimberly Goss Act", limiting persons arrested for a violent offense while on parole or probation for a similar offense from receiving bail. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephanie Eaton for Corrections and Criminal Justice: The purpose of this bill is to protect the people of New Hampshire by limiting bail for persons who commit violent crimes while on parole or probation for a similar offense. As amended, the bill provides that the court shall grant bail for these offenders only when it is shown by a preponderance of the evidence that the imposition of certain conditions will reasonably assure the defendant's appearance for trial, and that the release will not pose a danger to public safety. We believe that this bill strikes a reasonable balance between the rights of the accused and the protection of the public. This significant addition to New Hampshire's criminal law is named for Kimberly Goss, who was murdered by a paroled sex offender released on bail for assault. Vote 18-0.

Amendment (2465B)

Amend the bill by replacing all after the enacting clause with the following:

1 Detention Authority. RSA 597:1 is repealed and reenacted to read as follows:

597:1 Release and Detention Authority Generally. Except as provided in RSA 597:1-a, 597:1-b, 597:1-c, or 597:1-d, all persons arrested for an offense shall be eligible to be released pending judicial proceedings upon compliance with the provisions of this chapter.

2 New Sections; Capital Offenses; Probationers and Parolees. Amend RSA 597 by inserting after section 1-b the following new sections:

597:1-c Capital Offenses and Murder in the First Degree. Any person arrested for an offense punishable by death or murder in the first degree, where the proof is evident or the presumption great, the person shall not be allowed bail.

597:1-d Probationees and Parolees.

I. If there is a judicial finding of probable cause to believe that a person has committed a violation of RSA 630, RSA 631, RSA 632-A:2-4 or RSA 633:1-3 from an arrest warrant affidavit or an affidavit issued pursuant to district court administrative order number 91-03 or any other district court administrative order which supercedes it and the person is on probation or parole for a conviction of a violent crime listed in RSA 651:4-a or a substantially similar crime in any state or federal court in this or any other state, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, it is presumed that release on bail and imposition of any condition or set of conditions listed in RSA 597:2 will not reasonably assure the appearance of the person as required and will endanger the safety of the person or of any other person or the community.

II. The court shall not release such person on bail unless the court finds by a preponderance of the evidence that some condition or set of conditions found in RSA 597:2 will assure the person's appearance and assure that release will not pose a danger to the safety of the person or of any person or the community.

III. Such person shall be detained without bail pending a bail hearing before the court to be held as soon after arraignment as possible but in no event later than 72 hours after arraignment. At such hearing, the arresting agency shall present, and the court shall consider, all relevant records or other documentation concerning the arrested person's parole or probation, as well as the offense for which the person is on parole or probation.

3 Bail Limited; Reference Added. Amend RSA 597:2, V(c) to read as follows:

(c) Probation or parole for any offense under federal or state law, *except as provided in RSA 597:1-d, III* may be detained for a period of not more than 72 hours from the time of his arrest, excluding Saturdays, Sundays and holidays[, and]. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state or local law enforcement official. *Upon such notice the court shall also direct the clerk to notify by telephone the division of field services, department of corrections, of the pending bail hearing.* If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, known as the "Kimberly Goss Act," limits persons arrested for a violent offense while on parole or probation for a similar offense from receiving bail.

Adopted.

Rep. Donna Sytek spoke in favor.

Report adopted and ordered to third reading.

SB 111, relative to penalties for issuing bad checks and authorizing a pilot bad check restitution program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine H. Metzger for Corrections and Criminal Justice: In 1989 the penalty for issuing a bad check for under \$500 was changed from a misdemeanor to a violation. Not prosecuting these crimes has caused a major problem in communities as the number of bad checks escalates. Therefore, this bill reenacts the misdemeanor penalty. Originally this bill included a pilot bad check restitution program. The committee felt this would best be dealt with in the alternative sentencing study committee which will look at restitution for other crimes as well. Vote 13-1.

Amendment (2506B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to penalties for issuing bad checks.

Amend the bill by replacing all after section 1 with the following:

2 Bad Checks; Statute of Limitations Increased. Amend RSA 638:4, IV(b) to read as follows:

(b) In any prosecution under subparagraph IV(a)[(1) or (2)], the prosecutor shall prove that the person issued or passed the check knowing or believing that the check would not be paid by the drawee. [The statute of limitations on a prosecution under subparagraph IV(a)(3) shall be 6 months.]

3 Repeal. RSA 625:8, II-a, relative to the statute of limitations on prosecution for issuing bad checks, is repealed.

4 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill increases the penalty relative to issuing certain bad checks.

This bill repeals the special 6-month statute of limitations for prosecutions relative to issuing bad checks.

Adopted.

Report adopted and ordered to third reading.

SB 141-FN-A, removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Hambrick for Corrections and Criminal Justice: With a statutory closing date of July 1998, the Lakes Region Corrections Facility relocation issue needs to be addressed now. The bill as amended authorizes a \$150,000 study of future facility needs of the Department of Corrections, siting possibilities, and staffing and classification issues. A joint House-Senate committee, assisted by an advisory committee, will select the consultant, oversee the study and make recommendations by November 1994. The bill also appropriates \$50,000 to DRED for planning and development of Governor's State Park which is located on the same parcel of land as the prison. The Fiscal Note calls for state expenditures of \$200,000 for the biennium ending June 30, 1995. Vote 13-3.

Amendment (2509B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee and authorizing the hiring of a private consultant or consultants to study the long-term needs for correctional facilities in

New Hampshire, providing for design of the governors state park, and making appropriations therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court believes in and supports a comprehensive approach to corrections, and, in doing so, believes a comprehensive study to identify the long-term facility needs of the department of corrections is necessary.

II. The general court further finds that the proposed governors state park at Laconia is in the best interests of the citizens of New Hampshire and believes that funding should be provided to initiate its planning and development.

2 Corrections Study Authorized. A professional study of the future facilities needs of the department of corrections is hereby authorized. The study shall be conducted by a private consultant or consultants selected through a competitive process by the committee established in section 3 of this act, with final contract approval by the governor and council. The study shall:

I. Prepare a 10-year projection of the facilities needs of the department of corrections, taking into consideration security levels, the classification system, staffing needs and operating costs, community corrections and alternatives to incarceration.

II. Conduct an inventory and use analysis of all current department of corrections facilities.

III. Conduct a search for other sites and buildings that may be suitable for department of corrections operations, with priority given to state-owned buildings and property, to determine their availability and suitability for the space needs identified in paragraph I of this section. This aspect of the study should also consider the utility of cooperative agreements between the county and state correctional systems.

IV. The consultant's study and recommendations shall be completed and submitted to the joint committee established by section 3 of this act and to the New Hampshire department of corrections no later than November 1, 1994.

3 Legislative Committee Established.

I. There is hereby established a joint corrections study committee which shall select a private consultant or consultants, receive the consultant's reports, and prepare any appropriate legislation.

II. The committee shall consist of the following members:

(a) Five members of the house corrections and criminal justice committee, appointed by the speaker of the house.

(b) Five members of the senate, appointed by the president of the senate.

III. Appointments to the committee shall be made within 21 days of the effective date of this section. The first meeting of the committee shall be held within 40 days of the effective date of this section. Subsequent meetings shall be at such other times as the chairperson shall designate.

IV. The first meeting shall be called by the first-named senate member. The committee shall elect a chairperson at such meeting. Six members shall constitute a quorum. Members of the committee shall serve without compensation, except committee members shall receive mileage at the legislative rate when attending to duties of the committee.

V. The committee shall:

(a) Review and authorize the distribution of a request for proposal for a private consultant or consultants to be prepared by the department of corrections, and select a consultant or consultants to be recommended to the governor and council for approval.

(b) Meet and confer with the consultants selected to perform this study and receive the consultants' reports, with recommendations.

(c) Hold such public hearings as the committee deems appropriate.

(d) Submit a report to the governor, president of the senate, and speaker of the house which shall include the recommendations of the consultants and findings of the committee, including recommendations for appropriate legislation.

VI. The committee shall submit its final report on or before November 15, 1994.

4 Advisory Committee Established.

I. There is hereby established a joint corrections study advisory committee. This committee is established to provide advice and expertise to the joint corrections study committee in carrying out its duties.

II. The advisory committee shall consist of the following members:

- (a) The commissioner of the department of corrections, or designee.
- (b) The director of the office of state planning, or designee.
- (c) The executive director of the Association of Counties, or designee.
- (d) The executive director of the New Hampshire state employees association, or designee.
- (e) Any other persons recommended by the joint corrections study committee.

5 State Agencies. All state agencies shall cooperate in providing information as requested by the consultant or committees established in sections 3 and 4 of this act.

6 Appropriation.

I. The sum of \$150,000 is hereby appropriated for the biennium ending June 30, 1995, to the corrections study committee established in section 3 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$50,000 is hereby appropriated for the biennium ending June 30, 1995, to the department of resources and economic development for the planning and development of governors state park. The department is authorized to receive gifts, grants or donations for this purpose. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a joint corrections study committee and advisory committee to hire a private consultant to study the future needs of the department of corrections facilities. The bill makes an appropriation to the joint corrections study committee.

This bill also makes an appropriation to the department of resources and economic development for the planning and development of governors state park.

Reps. Rosen, Salatiello and Hambrick spoke in favor.

Adopted.

Report adopted and referred to Appropriations.

SB 172-FN, making structural changes within the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Donald W. Gorman for Corrections and Criminal Justice: This bill originally made structural changes in the Department of Corrections, but the committee did not think it advisable to act on them at this time. However, after consultation with the state director of personnel it became obvious that certain unclassified positions in the Department of Corrections were in the wrong salary categories. The amendment, therefore, makes adjustments consistent with her advice. Any increase in pay for these employees will be covered by the salary adjustment fund. Additionally we changed the position of superintendent of the Lakes Region Facility from classified to unclassified to make it comparable with the superintendent of the Women's Prison. While the bill appropriates \$82,400 for this unclassified position over the biennium, there is no effect on the general fund because the old classified position at the same pay is abolished. Vote 14-2.

Amendment (2476B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certain unclassified positions in the department of corrections
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Warden; State Prison. Amend the introductory paragraph of RSA 21-H:4, III, to read as follows:

III. The division of adult services, under the supervision of a director of adult services, who *shall also have the title of warden of the state prison and* shall be responsible for the following functions, in accordance with applicable laws:

2 Division of Medical and Psychiatric Services; Joint Directors Added. RSA 21-H:4, IV is repealed and reenacted to read as follows:

IV. The division of medical and psychiatric services, under the joint supervision of a medical director and a non-medical director, who shall respectively have the duties and responsibilities provided in RSA 622:43, and who shall act in an advisory and coordinative capacity in assisting other agencies and activities in the provision of mental health and psychiatric services to persons involved in the criminal justice system.

3 Salaries. Amend RSA 94:1-a, I by:

I. Deleting in:

- (a) Group K, director of administration, department of corrections.
- (b) Group L, unit director (non-medical), secure psychiatric unit.
- (c) Group N, director, adult services/warden, department of corrections.
- (d) Group P, commissioner, corrections.
- (e) Group R, unit director (medical), secure psychiatric unit.

II. Inserting in:

- (a) Group M, director of administration, department of corrections.
- (b) Group M, superintendent, lakes region facility, department of corrections.
- (c) Group N, non-medical director, division of medical and psychiatric services, department of corrections.
- (d) Group Q, director of adult services/warden of the state prison, department of corrections.
- (e) Group R, medical director, division of medical and psychiatric services, department of corrections.
- (f) Group S, commissioner, department of corrections.

4 Secure Psychiatric Unit Staffing; Title Change. Amend RSA 622:43, I(a) to read as follows:

(a) A medical [unit] director, who shall be a board certified psychiatrist and shall be under the administrative supervision of the commissioner. The medical director shall be responsible for the provision, supervision, and administration of the medical and psychiatric services of the department of corrections and the unit.

5 Secure Psychiatric Unit Staffing; Title Change. Amend RSA 622:43, I(c) to read as follows:

(c) A non-medical [unit] director, who shall administer programs and services [at] *of the division of medical and psychiatric services and* the unit.

6 Position Abolished; Transition. Classified position 30345 is abolished. The incumbent in such position shall be the new superintendent, lakes region facility, department of corrections.

7 Appropriation. The sum of \$82,400 is hereby appropriated to the department of corrections for the biennium ending June 30, 1995, for the purposes of this act. This appropriation is in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill:

I. Establishes joint directors for the division of medical and psychiatric services.

II. Changes the unclassified salary group for the director of administration; commissioner, department of corrections; and director of adult services.

III. Changes the title and unclassified salary group of the unit director (non-medical) and unit director (medical), secure psychiatric unit to accurately reflect the directors' job duties.

IV. Changes the classified position of the superintendent of the lakes region facility to an unclassified position.

V. Makes an appropriation to the department of corrections.

Reps. Trombly and Warburton spoke against.

Rep. Donna Sytek spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the amendment.

YEAS 194

NAYS 161

YEAS 194

BELKNAP

Bartlett, Gordon
Hauck, William
Rosen, Ralph

Cain, Thomas
Hawkins, Robert
Turner, Robert

Campbell, Richard, Jr.
Holbrook, Robert
Ziegra, Alice

Golden, Paul
Johnson, Carl

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Foster, Robert	Lyman, L. Randy	Saunders, Howard
Wiggin, Allen	Wiggin, Gordon		

CHESHIRE

Avery, Stephen	Cole, Stacey	Delano, Robert	Hunt, John
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Perry, David
Royce, H. Charles	Russell, Ronald	Smith, Edwin	Young, David

COOS

Foss, Frederic	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton			

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Brown, Patricia	Chase, Paul, Jr.	Dow, David	Driscoll, William
Eaton, Stephanie	Ham, Bonnie	Hill, Richard	LaMott, Paul
Scanlan, David	Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen

HILLSBOROUGH

Ahrens, Frederick	Andrews, Frederick	Arnold, Barbara	Arnold, Thomas, Jr.
Bagley, Amy	Bergeron, Lucien	Bowers, Dorothy	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Chabot, Robert	Cowenhoven, Garret	Daniels, Gary
Dodge, Emma	Domaigne, Jacquelyn	Donovan, Francis	Drolet, Paul
Dykstra, Leona	Gagnon, Eugene	Gervais, Glen	Greenberg, Gary
Healy, Daniel	Holden, Carol	Holley, Sylvia	Holt, David
Jasper, Shawn	Jean, Loren	Johnson, Lionel	Kelley, Dana
Kelley, Robert	Kurk, Neal	Lessard, Rudy	Lown, Elizabeth
Lozeau, Donnalee	Mason, Howard	McCarty, Winston	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Mittelman, David
Moncrief, Keith	Murphy, Robert	Packard, Bonnie	Pepino, Leo
Peters, Stanley	Philbrook, Paula	Rheault, Lillian	Sallada, Roland
Sargent, Maxwell	Searles, Stanley, Sr.	Toomey, Kathryn	Upton, Barbara
Vanderlosk, Stanley	Wells, Peter, Sr.	Wheeler, Robert	Wright, George

MERRIMACK

Barberia, Richard	Buessing, Marjorie	Chandler, Earle	Feuerstein, Martin
Gilbreth, Robert	Gross, Caroline	Hill, Michael	Houlahan, Thomas
Johnson, C. William	Kennedy, Richard	Kidder, William	Lockwood, Robert
Newland, Matthew	Nichols, Avis	Stapleton, Henry	Weeks, John, Jr.
Whalley, Michael	Whittemore, James	Willis, Jack	

ROCKINGHAM

Arndt, Janet	Battles, Marjorie	Blake, Daniel	Boucher, William
Bove, Martin	Chester, Sherman	Christie, Andrew, Jr.	Clark, Vivian
Conroy, Janet	Crossman, Harold, Jr.	Crum, William, Jr.	DiPietro, Carmela
Dowd, Sandra	Dowling, Patricia	Drake, Herbert	Felch, Charles, Sr.
Fesh, Robert	Flanagan, Natalie	Flanders, John, Sr.	Gage, Beverly
Gorman, Donald	Groves, Bonnie	Hemenway, Thomas	Hurst, Sharleene
Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Lee, Rebecca	Lovejoy, Marian
Malcolm, Kenneth	Miller, Don	Moore, Benjamin	Packard, Sherman
Putnam, Ed, II	Raynowska, Bernard	Richards, David	Ritzo, Eugene
Rubin, George	Schanda, Joseph, Sr.	Senter, Merilyn	Smith, Arthur
Stone, Joseph	Sytek, Donna	Sytek, John	Welch, David
Weyler, Kenneth	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Callaghan, Frank
Keans, Sandra
Torr, Ann

Douglass, Clyde
Knowles, William
Torr, Franklin

Dunlap, Patricia
Musler, George
Torr, Ralph

Hilliard, Dana
Spear, Barbara
Wasson, Richard

SULLIVAN

Behrens, Thomas
Schotanus, Merle

Flint, Gordon

Lindblade, Eric

Rodeschin, Beverly

**NAYS 161
BELKNAP**

Lafam, Robert

Rice, Thomas, Jr.

Salatiello, Thomas

CARROLL

Mock, Henry

Philbrick, Donald

CHESHIRE

Bonneau, Sarah
Foster, Katherine
Pratt, Irene

Burnham, Daniel
Kingsbury, H. Thayer
Richardson, Barbara

Champagne, Richard
Manning, Joseph
Riley, William

DePecol, Benjamin
McGuirk, Paul
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Below, Clifton
Guest, Robert

Copenhaver, Marion
McIlwaine, Deborah

Croy, Elizabeth
Nordgren, Sharon

Gordon, Edward
Rose, William

HILLSBOROUGH

Ahern, Richard
Bergeron, Normand
Cote, David
Durham, Susan
Ferguson, Charles
Gosselin, Gerald
Hart, Nick
L'Heureux, Robert
Lefebvre, Roland
Nardi, Theodora
Plourde, Alphonse
Smart, John
Turgeon, Roland

Ahlgren, Madelyn
Borsa, Andrew
Daigle, Robert
Dwyer, Patricia
Fields, Dennis
Haettenschwiller, Alphonse
Hunter, Bruce
Lachut, Ervin
Moore, Elizabeth
O'Rourke, Joanne
Reidy, Frank
Smith, Leonard
White, John

Amidon, Eleanor
Buckley, Raymond
Desrosiers, William
Dyer, Merton
Foster, Linda
Hall, Betty
Jean, Claudette
Laughlin, J. Francis
Morello, Michael
Paquette, Rodolphe
Riley, Frances
Soucy, Donna

Asselin, Robert
Clemens, Jane
Drabinowicz, A. Theresa
Fenton, James
Gage, Ruth
Hanselman, Gregory
Kirby, Thomas
Leclerc, Charles
Morrissette, Roland
Perkins, Paul
Rothhaus, Finlay
Soucy, Richard

MERRIMACK

Apple, Lowell
Dunn, Miriam
Johnson, Joyce May
Regan, Maurice
Teague, Bert
Yeaton, Charles

Braiterman, Thea
Fillion, Paul
Langer, Ray
Rogers, Katherine
Trombly, Rick

Chandler, John
French, Barbara
Moore, Carol
Shaw, Randall
Wallner, Mary Jane

Daneault, Gabriel
Holmes, Mary
Owen, Derek
Soldati, Jennifer
Ward, Jay

ROCKINGHAM

Aranda, M. Kathryn
Caswell, Albert, Jr.
Hutchinson, Karen
Kruse, Fred
Pantelakos, Laura
St. Martin, Tommy
Vaughn, Charles

Beaulieu, Jon
Clark, Martha
Johnson, Bill
McGovern, Cynthia
Pratt, Katharin
Stritch, C. Donald
Warburton, Calvin

Bell, Juanita
Coes, Betsy
Johnson, Robert
Newman, Rick
Pullman, Robert
Syracusa, Anthony

Campbell, Marilyn
Dube, LeRoy
Kane, Cecelia
O'Keefe, Patricia
Splaine, James
Teminko, Margaret

STRAFFORD

Brown, George	Brown, Julie	Chagnon, Ronald	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Hemon, Roland	Kincaid, William
Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory
McKinley, Robert	Merritt, Deborah	Nehring, William	O'Brien, John
Pageotte, Donald	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Sullivan, Henry	Vincent, Francis	Wall, Janet
Wheeler, Katherine			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Domini, Irene
Holl, Ann	Palmer, Lorraine	Peyron, Fredrik	Stamatakis, Carol

and the amendment was adopted.

Report adopted and referred to Executive Departments and Administration.

SB 245, changing the penalties for driving while intoxicated or under the influence of drugs. **OUGHT PASS WITH AMENDMENT**

Rep. Richard H. Campbell, Jr. for Corrections and Criminal Justice: This bill, as passed by the senate, would have repealed the DWI-while-transporting-a-minor law which was passed last year and has just gone into effect, replacing it with more severe penalties. The committee found it inexpedient by a 15-0 vote, and is using it as a vehicle for the amendment, which entirely replaces the original bill, with a new title. The amended bill makes two technical corrections to provisions of HB 137, the 0.08 alcohol concentration DWI bill which passed recently and will become law. The first, requested by both the department of justice and the department of safety, separates the provisions covering physical tests for intoxication from the provisions covering chemical (blood, urine or breath) tests, because the different nature of the tests requires different provisions. The second restores much-needed wording in RSA 507-F protecting alcoholic beverage servers from liability, which was inadvertently removed by the senate amendment to HB 137, without in any way changing the wording added by the senate. The amended bill also advances the effective date of HB 137 from January 1, 1994, to July 1, 1993. The technical corrections in this bill will take effect one minute after HB 137. Vote 13-0.

Amendment (2484B)

Amend the title of the bill by replacing it with the following:

AN ACT

making technical corrections to certain provisions
of the DWI and implied consent laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference to Certain Tests Added. Amend RSA 265:85, IV to read as follows:

IV. No tests of *blood, urine or breath* authorized by RSA 265:84 shall be considered as evidence in any proceeding before any administrative officer or court unless such test is performed in accordance with methods prescribed by the director of the division of public health services.

2 Rulemaking; Reference to Physical Tests Removed. Amend RSA 265:85, V(a) to read as follows:

(a) Methods and procedures for [physical testing and examination to determine whether a person is under the influence of intoxicating liquor or controlled drugs and for] the testing of blood, urine, and breath to determine [the controlled drug content of a person's blood or] alcohol concentration *and controlled drug content of a person's blood*;

3 New Section; Administration of Physical Tests. Amend RSA 265 by inserting after section 85 the following new section:

265:85-a Administration of Physical Tests Added. No post-arrest physical test or examination authorized by RSA 265:84 shall be considered as evidence in any proceeding before any administrative officer or court unless such test or examination is performed by a law enforcement officer who has been trained in the administration of such physical tests and examinations by a law enforcement agency or in a training program approved by the police standards and training council.

4 Reference to Certain Tests Added. Amend the introductory paragraph of RSA 265:87, I to read as follows:

I. Before any test *of a person's blood, urine or breath* specified in RSA 265:84 is given, the law enforcement officer shall:

5 New Paragraph; Prerequisites to Tests; Refusal to Comply. Amend RSA 265:87 by inserting after paragraph I the following new paragraph:

I-a. Before any post-arrest physical test specified in RSA 264:84 is given, the law enforcement officer shall inform the defendant of the consequences of the defendant's refusal to comply with the law enforcement officer's instructions for a post-arrest physical test.

6 New Paragraph; Refusal of Consent. Amend RSA 265:92 by inserting after paragraph II the following new paragraph:

III. A refusal of consent for both post arrest physical testing and testing of blood, urine or breath following any one arrest shall be deemed one refusal for the purposes of this section.

7 Off Premises Consumption. Amend RSA 507-F:4, VI to read as follows:

VI. A defendant is not chargeable with knowledge of a person's consumption of alcoholic beverages or other drugs off the defendant's premises *unless the person's appearance and behavior would put a reasonably prudent person on notice of such consumption* [, when the person misrepresents such consumption or the amount of such consumption, unless the defendant's service to such person qualifies as reckless under RSA 507-F:5].

VI-a. A defendant is not chargeable with knowledge of a person's consumption of alcoholic beverages or other drugs off the defendant's premises, when the person misrepresents such consumption or the amount of such consumption, unless the defendant's service to such person qualifies as reckless under RSA 507-F:5.

8 Effective Date Changed. Amend 1993, 48:19 to read as follows:

48:19 Effective Date. This act shall take effect [January 1, 1994] *July 1, 1993.*

9 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1993, at 12:01 a.m.

AMENDED ANALYSIS

This bill provides that a server of alcoholic beverages shall not be chargeable with knowledge of a person's consumption of alcoholic beverages or drugs when the person misrepresents such consumption, unless the defendant's service was reckless.

This bill also changes the effective date of HB 137-FN (1993, chapter 48), which lowers the blood alcohol concentration for legal intoxication from .10 to .08, from January 1, 1994, to July 1, 1993.

Rep. Donna Sytek spoke in favor.

Roll call request not sufficiently seconded.

Adopted.

Report adopted and ordered to third reading.

SB 78, requiring that student records of transferring students be provided upon request. **OUGHT TO PASS**

Rep. William A. Riley for Education: This measure addresses student transfer records and assures that records for a student transferring to a private school or public school would be provided to the new school. Vote 14-1.

Adopted and ordered to third reading.

SB 93-FN-A, relative to the National Science Foundation's statewide systemic initiatives program and making an appropriation therefor. **OUGHT TO PASS**

Rep. William A. Riley for Education: This bill provides the matching funds necessary to compete successfully for the National Science Foundation's statewide systemic initiatives grant for science and mathematics education programs. The bill appropriates \$300,000 in each of 1994 and 1995 to secure \$12,000,000 from the N.S.F. over five years. This is our last chance to compete. The Fiscal Note calls for state expenditures of \$300,000 in FY 1994 and \$300,000 in FY 1995. Vote 16-0.

Adopted and referred to Appropriations.

SB 176-FN-A-L, relative to kindergarten programs in local school districts and requiring an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley N. Searles, Sr. for Education: This bill brings the necessity of kindergarten to everyone's attention by appropriating funds to assist local districts in establishing and maintaining kindergarten programs through a system of grants and incentive awards. The fiscal note has been revised. Vote 16-1.

Amendment (2496B)

Amend RSA 194 as inserted by section 2 of the bill by deleting section 61.
Adopted.

Rep. Marsha Pelletier spoke in favor.

Rep. Searles yielded to questions.

Report adopted and referred to Appropriations.

SB 220-FN-L, relative to criminal history checks for school personnel and applicants. **OUGHT TO PASS WITH AMENDMENT**

Rep. Suzan L. Franks for Education: In order to try to provide a safe environment for all school district students and staff this act provides for a criminal history check through the New Hampshire State Police and the Federal Bureau of Investigation for certified personnel at the time of original certification and upon renewal. In addition, this act includes the same criminal history check for non-certified personnel at the time of hire. Vote 15-1.

Amendment (2384B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to criminal history checks for school personnel,
applicants for certification or renewal,
and contracted personnel.

Amend RSA 189:13-a, I-VI as inserted by section 1 of the bill by replacing them with the following:

I. A criminal history records check of any applicant for certification or renewal shall be conducted in accordance with this section.

II. All applicants for certification or renewal shall submit notarized criminal history records release forms to the New Hampshire department of education.

III. In addition to any other requirements established by law, the submittal of forms pursuant to paragraph II of this section shall be a prerequisite to certification or renewal, and no person shall be certified or recertified who has not complied with the provision of that paragraph.

IV. All criminal history records release forms executed by applicants for certification or renewal shall be submitted to the New Hampshire state police for the purpose of utilizing the files and records of the New Hampshire state police and the Federal Bureau of Investigation. The New Hampshire state police shall conduct a criminal history record inquiry for all applicants for certification or renewal, and process them through the Federal Bureau of Investigation.

V. All costs arising from the processing of criminal history records checks pursuant to the provisions of this section shall be borne by the applicant. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history records check. Payment for all costs shall be submitted by the applicant as part of the application for certification or renewal.

VI. Applicants for certification or renewal who have been convicted of homicide, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping in this state, or under any statute prohibiting the same conduct in another state, territory or possession of the United States, shall not be certified or recertified in this state.

AMENDED ANALYSIS

This bill sets forth the requirements and procedures relating to criminal history checks for applicants for certification or renewal, and provides for termination of employment if an employee is convicted of certain crimes.

Adopted.

Report adopted and ordered to third reading.

SB 74, changing the name of Civil Rights Day to Martin Luther King, Jr., Civil Rights Day.
MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. John J. Sytek for the Majority of Executive Departments and Administration: New Hampshire's Civil Rights Day, celebrated on the federal Martin Luther King holiday, is the result of a compromise reached two short years ago. That compromise broke a 12-year stalemate and met the concerns of both sides. By calling it Civil Rights Day, we recognized that the cause of civil rights was larger than any one person. By celebrating it on Dr. King's birthday, we saluted his special contribution. No new information was presented to the committee which would cause the committee to reassess the compromise. Finally, the committee noted that New Hampshire has no holiday at all bearing the name of an American. Dr. King would be the only person to be so honored - ahead of Washington, Lincoln and a host of other worthy men and women. Vote 10-7.

Reps. Cynthia G. McGovern, Robert P. Asselin, Miriam D. Dunn, Bonnie K. Groves, Raymond A. Lundborn and J. Gregory McGrath for the Minority of Executive Departments and Administration: This bill proposes to add the name Martin Luther King, Jr. to the name Civil Rights Day, a position which Governor Merrill publicly supports. The minority of the committee believes the time has come for New Hampshire to acknowledge the third Monday in January as Martin Luther King, Jr. Civil Rights Day.

Rep. Bell moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislative and spoke in favor.

(Rep. Michael Hill in the Chair)

Reps. Vivian Clark and Kidder spoke against and yielded to questions.
 Reps. Lundborn, Below, Battles and Williamson spoke in favor.
 Reps. Benjamin Moore, Domaingue and John Sytek spoke against.
 Rep Elizabeth Moore spoke in favor and yielded to questions.

(Speaker Burns in the Chair)

Rep. David Cote non-spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 163

NAYS 199

**YEAS 163
 BELKNAP**

CARROLL

CHESHIRE

Salatiello, Thomas

Bradley, Jeb

Bonneau, Sarah
 Foster, Katherine
 Pearson, Gertrude
 Robertson, Timothy

Burnham, Daniel
 Hunt, John
 Pratt, Irene
 Russell, Ronald

Champagne, Richard
 Kingsbury, H. Thayer
 Richardson, Barbara

DePecol, Benjamin
 Manning, Joseph
 Riley, William

COOS

Bradley, Paula
 Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTON

Bean, Pamela
 Copenhaver, Marion
 McIlwaine, Deborah

Below, Clifton
 Crory, Elizabeth
 Nordgren, Sharon

Brown, Channing
 Guest, Robert
 Trelfa, Richard

Brown, Patricia
 LaMott, Paul

HILLSBOROUGH

Ahlgren, Madelyn
 Buckley, Raymond
 Donovan, Francis

Asselin, Robert
 Cepaitis, Elizabeth
 Drabinowicz, A. Theresa

Bagley, Amy
 Clemons, Jane
 Drolet, Paul

Bergeron, Normand
 Cote, David
 Durham, Susan

Dwyer, Patricia
Gage, Ruth
Hart, Nick
Johnson, Lionel
Lozeau, Donnalee
Nardi, Theodora
Plourde, Alphonse
Soucy, Donna
White, John

Dykstra, Leona
Gervais, Glen
Holden, Carol
Kirby, Thomas
Mittelman, David
O'Rourke, Joanne
Reidy, Frank
Toomey, Kathryn

Ferguson, Charles
Hall, Betty
Holley, Sylvia
Leclerc, Charles
Moore, Elizabeth
Perkins, Paul
Rheault, Lillian
Turgeon, Roland

Foster, Linda
Hanselman, Gregory
Jean, Claudette
Lown, Elizabeth
Morrissette, Roland
Philbrook, Paula
Sargent, Maxwell
Wells, Peter, Sr.

MERRIMACK

Braiterman, Thea
Fillion, Paul
Hill, Michael
Newland, Matthew
Shaw, Randall
Wallner, Mary Jane

Buessing, Marjorie
French, Barbara
Johnson, Joyce May
Owen, Derek
Soldati, Jennifer
Ward, Jay

Dunn, Miriam
Gilbreth, Robert
Lockwood, Robert
Regan, Maurice
Teague, Bert
Weeks, John, Jr.

Feuerstein, Martin
Gross, Caroline
Moore, Carol
Rogers, Katherine
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
Clark, Martha
Hurst, Sharleene
Malcolm, Kenneth
Pantelakos, Laura
Syracusa, Anthony
Yennaco, Carol

Bell, Juanita
Coes, Betsy
Kane, Cecelia
McGovern, Cynthia
Rosencrantz, James
Teminko, Margaret

Caswell, Albert, Jr.
Crossman, Harold, Jr.
Klemarczyk, Thaddeus
Newman, Rick
Splaine, James
Vaughn, Charles

Christie, Andrew, Jr.
Groves, Bonnie
Kruse, Fred
O'Keefe, Patricia
St. Martin, Tommy
Williamson, William

STRAFFORD

Brown, George
Gilmore, Gary
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Pelletier, Arthur
Spear, Barbara

Brown, Julie
Hambrick, Patricia
Keans, Sandra
McCann, William, Jr.
Musler, George
Pelletier, Marsha
Torr, Ann

Chagnon, Ronald
Hashem, Elaine
Kincaid, William
McGrath, J. Gregory
O'Brien, John
Rogers, Rose Marie
Wall, Janet

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pageotte, Donald
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Stamatakis, Carol

Behrens, Thomas
Holl, Ann

Burling, Peter
Lindblade, Eric

Cloutier, John
Palmer, Lorraine

NAYS 199 BELKNAP

Bartlett, Gordon
Hauck, William
Lafiam, Robert
Turner, Robert

Cain, Thomas
Hawkins, Robert
Lawton, David
Ziegra, Alice

Campbell, Richard, Jr.
Holbrook, Robert
Rice, Thomas, Jr.

Golden, Paul
Johnson, Carl
Rosen, Ralph

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

Cogswell, Richard
Mock, Henry
Wiggin, Gordon

CHESHIRE

Avery, Stephen
McNamara, Wanda
Smith, Edwin

Cole, Stacey
Metzger, Katherine
Young, David

Delano, Robert
Perry, David

McGuirk, Paul
Royce, H. Charles

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederick
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

GRAFTON

Adams, Carl
Driscoll, William
Hill, Richard
Ward, Kathleen

Brown, Alson
Eaton, Stephanie
Rose, William

Chase, Paul, Jr.
Gordon, Edward
Scanlan, David

Dow, David
Ham, Bonnie
Wadsworth, Karen

HILLSBOROUGH

Ahern, Richard
Arnold, Barbara
Bowers, Dorothy
Cowenhoven, Garret
Dodge, Emma
Fields, Dennis
Haettenschwiller, Alphonse
Hunter, Bruce
Kelley, Robert
Laughlin, J. Francis
McCarty, Winston
Milligan, Robert
Packard, Bonnie
Riley, Frances
Smart, John
Vanderlosk, Stanley

Ahrens, Frederick
Arnold, Thomas, Jr.
Burke, M. Virginia
Daigle, Robert
Domaingue, Jacquelyn
Gagnon, Eugene
Healy, Daniel
Jasper, Shawn
Kurk, Neal
Lefebvre, Roland
McRae, Karen
Moncrief, Keith
Paquette, Rodolphe
Rothhaus, Finlay
Smith, Leonard
Wheeler, Robert

Amidon, Eleanor
Bergeron, Lucien
Calawa, Leon, Jr.
Daniels, Gary
Dyer, Merton
Gosselin, Gerald
Holt, David
Jean, Loren
L'Heureux, Robert
Lessard, Rudy
Mercer, Robert
Morello, Michael
Pepino, Leo
Sallada, Roland
Soucy, Richard
Wright, George

Andrews, Frederick
Borsa, Andrew
Chabot, Robert
Desrosiers, William
Fenton, James
Greenberg, Gary
Holt, Mark
Kelley, Dana
Lachut, Ervin
Mason, Howard
Messier, Irene
Murphy, Robert
Peters, Stanley
Searles, Stanley, Sr.
Upton, Barbara

MERRIMACK

Apple, Lowell
Daneault, Gabriel
Kennedy, Richard
Stapleton, Henry

Barberia, Richard
Holmes, Mary
Kidder, William
Whalley, Michael

Chandler, Earle
Houlahan, Thomas
Langer, Ray
Whittemore, James

Chandler, John
Johnson, C. William
Nichols, Avis
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Clark, Vivian
Dowd, Sandra
Fesh, Robert
Gorman, Donald
Johnson, Robert
Lee, Rebecca
Packard, Sherman
Raynowska, Bernard
Schanda, Joseph, Sr.
Stritch, C. Donald
Welch, David

Arndt, Janet
Bove, Martin
Conroy, Janet
Dowling, Patricia
Flanagan, Natalie
Hemenway, Thomas
Katsakiores, George
Lovejoy, Marian
Pratt, Katharin
Richards, David
Senter, Marilyn
Sytek, Donna
Weyler, Kenneth

Beaulieu, Jon
Campbell, Marilyn
Crum, William, Jr.
Dube, LeRoy
Flanders, John, Sr.
Hutchinson, Karen
Katsakiores, Phyllis
Miller, Don
Pullman, Robert
Ritzo, Eugene
Smith, Arthur
Sytek, John
Woods, Deborah

Blake, Daniel
Chester, Sherman
DiPietro, Carmela
Felch, Charles, Sr.
Gage, Beverly
Johnson, Bill
Klemm, Arthur, Jr.
Moore, Benjamin
Putnam, Ed, II
Rubin, George
Stone, Joseph
Warburton, Calvin

STRAFFORD

Callaghan, Frank
Nehring, William
Vincent, Francis

Douglass, Clyde
Sullivan, Henry
Wasson, Richard

Knowles, William
Torr, Franklin

McKinley, Robert
Torr, Ralph

SULLIVAN

Domini, Irene

Peyron, Fredrik

Rodeschin, Beverly

Schotanus, Merle

and the motion failed.

Report adopted.

Rep. Record notified the Clerk that she wished to be recorded in opposition to the substitute motion.

REMARKS

Reps. O'Brien and St. Martin moved that the debate be printed in the Journal. The motion failed.

SB 134, establishing a committee to study the need for reasonable standards and procedures for contracting services by the state. OUGHT TO PASS

Rep. Ray F. Langer for Executive Departments and Administration: The committee felt that if standards were created that resulted in a checklist that could be applied to each personal service contract, the action will establish a set of rules by which all contracts are measured. This will preclude the possibility of omitting a portion of a contract that could seriously affect the contract's impact on state government. Vote 15-1.

Adopted and ordered to third reading.

SB 185, allowing the director of the division of human services to reorganize the rules of the medical assistance program. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: Passage of this bill will allow the Director of the Division of Human Services to reorganize the rules of the Division of Human Services medical assistance program to conform to the requirements of the uniform system of drafting and numbering for administrative rules. This rewrite will not allow any substantive changes in the rules. Vote 17-0.

Adopted and ordered to third reading.

SB 35-FN-A, relative to a fund for organ transplantation and transferring responsibility from Vocational Rehabilitation to the Division of Human Services and making an appropriation therefor OUGHT TO PASS

Rep. Michael Morello for Health, Human Services and Elderly Affairs: The bill transfers responsibility for organ transplantation from the Division of Vocational Rehabilitation in the Department of Education to the Division of Human Services, Department of Health and Human Services. Since funds must be escrowed for major organ transplantation procedures, such requirements utilize a significant portion of the Division of Rehabilitation Budget. This has resulted in 3,700 people on the waiting list for assistance for simpler procedures. Both departments have agreed that this transfer of responsibility is desirable. The Fiscal Note calls for state expenditures of \$500,000 in FY 1994 and approximately \$400,000 in fiscal years 95-96-97. There will be no impact on state revenue or on county or local revenues or expenditures. Vote 14-0.

Adopted and referred to Appropriations.

SB 77, relative to resellers of telecommunication services. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Reps. Karen K. McRae and Richard L. Cogswell for the Majority of Science, Technology and Energy: The majority of the committee, after extensive discussion, finds that the current form of PUC registration and certification of resellers supports free enterprise and promotes competition. Eighteen resellers are certified and many submitted testimony opposing the bill. The Consumer Advocate testified that SB 77 was not in the best interests of the residential rate payers. However, a recent comprehensive settlement agreement, signed by 16 telephone providers, the PUC staff, the Consumer Advocate and the BIA, describes a new era of telephone competition for New Hampshire while maintaining ongoing oversight by the PUC. This agreement lowers intrastate toll rates while protecting against increases in local rates, clearly in the best interests of the residential ratepayers and small business. Vote 11-3.

Reps. Arthur J. Pelletier, Gary R. Gilmore and Clifton C. Below for the Minority of Science, Technology and Energy: The minority of the committee firmly believes that competition and appropriate deregulation will serve to stimulate New Hampshire's economic development. The minority amendment to SB 77 deregulates resellers of telecommunications while providing for PUC authorization of resellers and PUC oversight when the public interest requires it. New

Hampshire has been behind the curve on this issue. Virtually every other state already has opened up the reseller market. Today, New Hampshire has the second highest in-state long distance rates in the nation.

Rep. Gilmore moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislative, spoke in favor and yielded to questions.

Reps. Cogswell and Rodeschin spoke against and yielded to questions.

Rep. Hunt spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 142**NAYS 216****YEAS 142****BELKNAP**

Laflam, Robert	Lawton, David	Salatiello, Thomas
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CARROLL

Mock, Henry	Philbrick, Donald
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CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Foster, Katherine	Hunt, John	Kingsbury, H. Thayer	Manning, Joseph
McGuirk, Paul	Pratt, Irene	Richardson, Barbara	Riley, William
Russell, Ronald	Smith, Edwin	Young, David	

COOS

Bradley, Paula	Coulombe, Henry	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	Wiswell, James		

GRAFTON

Below, Clifton	Brown, Alson	Copenhaver, Marion	Crory, Elizabeth
Dow, David	Driscoll, William	Guest, Robert	Hill, Richard
McIlwaine, Deborah	Nordgren, Sharon	Rose, William	

HILLSBOROUGH

Ahlgren, Madelyn	Arnold, Thomas, Jr.	Asselin, Robert	Bergeron, Normand
Borsa, Andrew	Buckley, Raymond	Clemons, Jane	Cote, David
Drabinowicz, A. Theresa	Dwyer, Patricia	Foster, Linda	Gervais, Glen
Gosselin, Gerald	Hall, Betty	Hanselman, Gregory	Jean, Claudette
Johnson, Lionel	Kelley, Dana	Laughlin, J. Francis	Leclerc, Charles
Lefebvre, Roland	Lessard, Rudy	Morrisette, Roland	Nardi, Theodora
Packard, Bonnie	Paquette, Rodolphe	Philbrook, Paula	Plourde, Alphonse
Reidy, Frank	Rothhaus, Finlay	Sargent, Maxwell	Smart, John
Soucy, Donna	Soucy, Richard	Turgeon, Roland	Wells, Peter, Sr.
White, John			

MERRIMACK

Barberia, Richard	Braiterman, Thea	Buessing, Marjorie	Daneault, Gabriel
Dunn, Miriam	French, Barbara	Houlahan, Thomas	Johnson, Joyce May
Langer, Ray	Moore, Carol	Newland, Matthew	Owen, Derek
Regan, Maurice	Rogers, Katherine	Soldati, Jennifer	Trombly, Rick
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Bell, Juanita	Caswell, Albert, Jr.
Christie, Andrew, Jr.	Clark, Martha	Coes, Betsy	Dowling, Patricia
Gorman, Donald	Groves, Bonnie	Hurst, Sharleene	Hutchinson, Karen
Kane, Cecelia	McGovern, Cynthia	Newman, Rick	O'Keefe, Patricia
Pantelakos, Laura	Pullman, Robert	Splaine, James	St. Martin, Tommy

Stone, Joseph
Warburton, Calvin

Syracusa, Anthony
Woods, Deborah

Termino, Margaret
Yennaco, Carol

Vaughn, Charles

STRAFFORD

Douglass, Clyde
Hilliard, Dana
Merrill, Amanda
Pelletier, Marsha
Wall, Janet

Gilmore, Gary
Kincaid, William
O'Brien, John
Rogers, Rose Marie

Hambrick, Patricia
Lundborn, Raymond
Pageotte, Donald
Snyder, Clair

Hashem, Elaine
McCann, William, Jr.
Pelletier, Arthur
Vincent, Francis

SULLIVAN

Allison, David
Palmer, Lorraine

Burling, Peter
Stamatakis, Carol

Cloutier, John

Domini, Irene

NAYS 216

BELKNAP

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.

Cain, Thomas
Hawkins, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Holbrook, Robert
Turner, Robert

Golden, Paul
Johnson, Carl
Ziegra, Alice

CARROLL

Allard, Nanci
Cogswell, Richard
Saunders, Howard

Beach, Mildred
Dickinson, Howard, Jr.
Wiggin, Allen

Bradley, Jeb
Foster, Robert
Wiggin, Gordon

Chandler, Gene
Lyman, L. Randy

CHESHIRE

Avery, Stephen
Metzger, Katherine
Royce, H. Charles

Cole, Stacey
Pearson, Gertrude

Delano, Robert
Perry, David

McNamara, Wanda
Robertson, Timothy

COOS

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Horton, Lynn

Merrill, Gerald

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Scanlan, David

Bean, Pamela
Eaton, Stephanie
Trelfa, Richard

Brown, Channing
Gordon, Edward
Wadsworth, Karen

Brown, Patricia
Ham, Bonnie
Ward, Kathleen

HILLSBOROUGH

Ahem, Richard
Arnold, Barbara
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Durham, Susan
Ferguson, Charles
Greenberg, Gary
Holden, Carol
Hunter, Bruce
Kirby, Thomas
Lown, Elizabeth
McCarty, Winston
Milligan, Robert
Morello, Michael
Peters, Stanley
Searles, Stanley, Sr.
Vanderlosk, Stanley

Ahrens, Frederick
Bagley, Amy
Calawa, Leon, Jr.
Daigle, Robert
Domaingue, Jacquelyn
Dyer, Merton
Fields, Dennis
Haettenschwiller, Alphonse
Holley, Sylvia
Hunter, Shawn
Kurk, Neal
Lozeau, Donnalee
McRae, Karen
Mittelman, David
Murphy, Robert
Rheault, Lillian
Smith, Leonard
Wheeler, Robert

Amidon, Eleanor
Bergeron, Lucien
Cepaitis, Elizabeth
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Gage, Ruth
Hart, Nick
Holt, David
Jean, Loren
L'Heureux, Robert
Mason, Howard
Mercer, Robert
Moncrief, Keith
Pepino, Leo
Riley, Frances
Toomey, Kathryn
Wright, George

Andrews, Frederick
Bowers, Dorothy
Chabot, Robert
Desrosiers, William
Drolet, Paul
Fenton, James
Gagnon, Eugene
Healy, Daniel
Holt, Mark
Kelley, Robert
Lachut, Ervin
McCann, Bonnie
Messier, Irene
Moore, Elizabeth
Perkins, Paul
Sallada, Roland
Upton, Barbara

MERRIMACK

Apple, Lowell	Chandler, Earle	Chandler, John	Feuerstein, Martin
Fillion, Paul	Gilbreth, Robert	Gross, Caroline	Hill, Michael
Holmes, Mary	Johnson, C. William	Kennedy, Richard	Kidder, William
Lockwood, Robert	Nichols, Avis	Shaw, Randall	Stapleton, Henry
Weeks, John, Jr.	Whalley, Michael	Whittemore, James	Willis, Jack

ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Blake, Daniel	Boucher, William
Bove, Martin	Campbell, Marilyn	Chester, Sherman	Clark, Vivian
Conroy, Janet	Crossman, Harold, Jr.	Crum, William, Jr.	DiPietro, Carmela
Dowd, Sandra	Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert
Flanagan, Natalie	Flanders, John, Sr.	Gage, Beverly	Hemenway, Thomas
Johnson, Bill	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Klemarczyk, Thaddeus	Klemm, Arthur, Jr.	Kruse, Fred	Lee, Rebecca
Lovejoy, Marian	Malcolm, Kenneth	Miller, Don	Moore, Benjamin
Packard, Sherman	Pratt, Katharin	Putnam, Ed, II	Raynowska, Bernard
Richards, David	Ritzo, Eugene	Rosencrantz, James	Rubin, George
Schanda, Joseph, Sr.	Senter, Marilyn	Smith, Arthur	Stitch, C. Donald
Sytek, Donna	Sytek, John	Welch, David	Weyler, Kenneth
Williamson, William			

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
Dunlap, Patricia	Hemon, Roland	Keans, Sandra	Knowles, William
Loder, Suzanne	McGrath, J. Gregory	McKinley, Robert	Merritt, Deborah
Nehring, William	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Torr, Ralph	Wasson, Richard	Wheeler, Katherine

SULLIVAN

Behrens, Thomas	Flint, Gordon	Holl, Ann	Lindblade, Eric
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	

and the motion failed.

Report adopted.

Rep. Record notified the Clerk that she wished to be recorded in opposition to the substitute motion.

SB 164-FN, relative to the OHRV fund. OUGHT TO PASS WITH AMENDMENT

Rep. Sherman A. Packard for Transportation: The committee received testimony that businesses in the state of New Hampshire receive approximately \$60 million a year from snowmobiling. This activity has a major economic impact for the northern part of our state. Approximately 6,000 miles of trails need maintaining. The use of monies transferred from the fund for maintenance has not been increased since 1983, and at current rate the state takes in approximately \$1.2 million in funds. The estimated amount of transfer would be \$375,000 at \$9.00 per Off Highway Recreational Vehicle. The second part of the amendment brings N.H. into compliance with federal guidelines governing All-Terrain Vehicles. Vote 13-0.

Amendment (2136B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the OHRV fund and exempting certain all-terrain vehicles from being equipped with headlights and brake lights.

Amend the bill by replacing all after section 1 with the following:

2 Certain All-Terrain Vehicles Exempted From Requirements. Amend RSA 215-A:12, VIII and IX to read as follows:

VIII. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, 1990, which does not have a working headlight which is designed to stay on at all times that the ATV is in operation, *except that an ATV with an engine size of 90 cubic centimeters or less, having 3 or more tires designed to hold not more than 10 pounds per square inch of air pressure, shall not be required to be equipped with a headlight.*

IX. No person shall operate, sell, or offer for sale in this state any ATV manufactured after January 1, 1990, which does not have a working brake light on the rear of the ATV, *except that an ATV with an engine size of 90 cubic centimeters or less, having 3 or more tires designed to hold not more than 10 pounds per square inch of air pressure, shall not be required to be equipped with a brake light.*

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the amount of money transferred from road tolls collected to the OHRV fund from \$4.50 times the number of licensed OHRV's to \$9 times the number of licensed OHRV's.

This bill also provides that any ATV with an engine size of 90 cubic centimeters or less need not be equipped with working headlights and brake lights.

Rep. Sherman Packard yielded to questions.

Adopted.

Report adopted and referred to Appropriations

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the Rules be so far suspended as to permit the House to take final action on Senate money bills on or before May 18, one calendar week later than the present deadline.

Reps. Gross and Trombly spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 4, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 48, relative to the children's trust fund.

SB 67, relative to wage assignment for child support.

SB 174-FN, relative to the notice to counties when children are placed by a court order.

SB 6, permitting the bank commissioner to regulate municipal development authorities and organizations and not-for-profit development organizations which become small business lenders through certain federal and state loan programs.

SB 22, relative to foreclosure notification waiver.

SB 26, relative to contracts between public adjusters and insureds.

SB 96, making the State Credit Union Act conform with the Federal Credit Union Act.

SB 244, increasing the penalties for persons convicted of negligent homicide, including mandatory license revocation.

SB 247, clarifying who is subject to refusal of consent provisions for DWI under the OHRV and boating laws and requiring blood alcohol testing in certain boating accidents.

SB 105, relative to the rulemaking authority of commissioners of state departments.

SB 42, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work.

SB 130, requiring disciplinary action against a physician for certain prohibited conduct.

SB 202-FN, relative to special plates and windshield placards for persons with walking disabilities.

SB 65, requiring health care providers to disclose an ownership interest in any entity to which they refer patients.

SB 76, establishing the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product for injury or damage caused by such product.

SB 191-FN, relative to the New Hampshire real estate practice act.

SB 79, also known as the "Kimberly Goss Act", limiting persons arrested for a violent offense while on parole probation for a similar offense from receiving bail.

SB 111, relative to penalties for issuing bad checks and authorizing a pilot bad check restitution program.

SB 245, changing the penalties for driving while intoxicated or under the influence of drugs.

SB 78, requiring that student records of transferring students be provided upon request.

SB 220-FN-L, relative to criminal history checks for school personnel and applicants.

SB 134, establishing a committee to study the need for reasonable standards and procedures for contracting services by the state.

SB 185, allowing the director of the division of human services to reorganize the rules of the medical assistance program.

UNANIMOUS CONSENT

Reps. Felch and Trombly addressed the House.

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 4:20 p.m.

RECESS

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 23

Tuesday, May 4, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, God of great tenderness whose care for the world embraces both the needs of individuals and the destinies of nations, unite us in our diversity so that our various gifts may be used to create a community where simplicity is honored over extravagance, where truth is not sacrificed on the altar of greed and where each of us may love at peace with ourselves and in peace with one another. Amen.

Rep. Gross led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Warburton and McNeerney, the day illness.

Reps. Asselin, Dowling, Weergang, Terninko, Below, O'Keefe, Dwyer, Crum, Kurk, Gerald Merrill, Manning, Scanlan, Copenhaver, Philbrick, Hanselman, Guest, McKinney, Paul White, Lucien Bergeron, Stapleton, Bonnie McCann, Holmes, Smart, Daigle and Gargiulo, the day, important business.

Rep. Martin, the day, illness in the family.

INTRODUCTION OF GUESTS

Mary Gray Legg, guest of Rep. McIlwaine. Jessica M. Murphy and her classmates from Mountain View Middle School in Goffstown, granddaughter and guests of Rep. Murphy. John F. White, guest of Rep. Putnam.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 335, relative to listing the names of candidates on ballots used in voting machines. (Amendment printed SJ 16, 4/27/93)

Rep. Flanagan moved that the House concur.

Adopted.

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure. (Amendment printed SJ 16, 4/27/93)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Richard Campbell, Knowles and Toomey.

HB 537, relative to registration of sexual offenders. (Amendment printed SJ 16, 4/27/93)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 595-FN, allowing HIV testing for AIDS of a perpetrator of certain crimes at the request of the victim. (Amendment printed SJ 16, 4/27/93)

Rep. Robert Foster moved that the House concur.

Adopted.

HB 166, relative to felons who own or possess dangerous weapons. (Amendment printed SJ 16, 4/27/93)

Rep. David Welch moved that the House concur.

Adopted.

HB 125-FN, relative to federal funding for rebuilding, modernizing, and maintaining rail properties. (Amendment printed SJ 16, 4/27/93)

Rep. Gene Chandler moved that the House concur.

Adopted.

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 145-FN, relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers, was removed at the request of Rep. Lozeau.

SB 169-FN-A, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor, was removed at the request of Rep. Ann Torr.

Consent Calendar adopted.

SB 5, repealing article 6 of the uniform commercial code on bulk sales and making conforming amendments. **OUGHT TO PASS**

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: SB 5 repeals Article 6 of the Uniform Commercial Code, which was enacted in the early years of the century. This article has become an awkward way to protect against bulk sales fraud. It has been superceded by modern credit reporting procedures, which now provide well authenticated credit information regarding individuals or companies. At present any creditor can protect his/her position by filing a Uniform Commercial Code financial statement with the Secretary of State, which simply states that the creditor has an interest in the seller's goods. Further widespread usage by New Hampshire and other states of the Foreign Judgments Act and the Uniform Fraudulent Conveyance Act further protects creditors rights. Vote 14-0.

SB 148-FN, making appropriations nonlapsing for regional vocational education tuition and transportation, and allowing the Kearsarge regional school district to hold its 1994 and 1995 annual meetings in such places as the officers deem appropriate. **OUGHT TO PASS**

Rep. Robert H. Guest for Education: The Department of Education reimburses school districts for the cost of tuition and transportation for vocational education programs. The program is funded with general funds. Reports from school districts are not received on time sometimes. This bill allows for funds not expended during a fiscal year to not lapse to the general fund. The other section allows the Kearsarge regional school district to hold its 1994 and 1995 annual meetings in such places as the officers deem appropriate with audio communication system between all meeting places. Vote 16-0.

Referred to Appropriations.

SB 167-FN, encouraging restaurants to practice source reduction at their establishments by requiring the establishment of a waste reduction certificate to be awarded by the department of environmental services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Environment and Agriculture: This bill requires the New Hampshire Lodging and Restaurant Association, recycling organizations and New Hampshire waste management and hauling industries to develop — this time within the private sector — new recycling strategies and goals. In support of this bill, the N.H. Lodging and Restaurant Association has submitted a memorandum of understanding to the Environment and Agriculture Committee. Vote 15-0.

Amendment (2543B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring representatives of the New Hampshire Lodging and Restaurant Association, recycling organizations and New Hampshire waste management and hauling industries to formulate recycling strategies and goals.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that there is a growing concern statewide with regard to solid waste management and that existing landfills are insufficient for our current solid waste needs. The general court also finds that using recyclable products and materials only once is costly, wasteful, and irresponsibly depletes our natural resources. In addition, the general court acknowledges that recycling poses particular challenges for commercial waste generators such as restaurants and lodging establishments. Accordingly the general court encourages the newly established collaboration between the lodging and restaurant industries and relevant waste management organizations in developing strategies and goals for recycling within the lodging and restaurant industry.

2 Recycling Strategies and Goals Formulated. Representatives of the New Hampshire Lodging and Restaurant Association, recycling organizations and the waste management and hauling industries shall meet and formulate recycling strategies and goals and shall submit a progress report to the house environment and agriculture committee and the senate environment committee no later than January 31, 1994.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires representatives of the New Hampshire Lodging and Restaurant Association, recycling organizations and New Hampshire waste management and hauling industries to formulate recycling strategies and goals.

SB 107, excluding services performed by real estate appraisers from the definition of "employment" for purposes of the unemployment compensation law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill, pertaining to real estate appraisers, clarifies the law regarding who is an employee and who is an independent contractor. The amendment states that any real estate appraiser paid by a fee will be considered an independent contractor, excluding those doing business with government, who, by federal law, must be considered employees. Vote 11-2.

Amendment (2488B)

Amend RSA 282-A:9, IV(t) as inserted by section 1 of the bill by replacing it with the following:

(t) Service performed by an individual for an employing unit as a real estate appraiser if all such service performed by such individual for such employing unit is performed for remuneration solely by way of a fee; provided, however, that such exemption shall not apply to such service performed for the state or any of its political subdivisions or for an organization described in section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code.

SB 103, relative to the construction of exit 10 on the Spaulding turnpike. **OUGHT TO PASS WITH AMENDMENT**

Rep. William K. Kincaid for Public Works: This bill provides a much needed exit 10 for the city of Somersworth and alleviates traffic congestion at Weeks traffic circle, highway route 108, and highway route 9. This exit also provides access to an industrial zone and the state-owned Skyhaven airport. No appropriation is needed. Vote 15-0.

Amendment (2579B)

Amend the bill by replacing section 2 with the following:

2 Environmental Study; Construction. The commissioner of the department of transportation shall proceed with the environmental study necessary for the construction of exit 10 as authorized by RSA 237:2, II-a. The study shall address the proposed construction of exit 10, and the necessary road network to connect the new interchange to a major highway east and west of the proposed interchange.

SB 177-FN, relative to the Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth and the Cascade Street bridge between the city of Berlin and the town of Gorham and making an appropriation therefore. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Public Works: This bill authorizes the Department of Transportation to consider the widening of the bridge over Sagamore Creek in addition to upgrading. It also removes any appropriation because the original authorization from a previous year will cover it. Vote 15-0.

Amendment (2577B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the commissioner of transportation to widen Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth.

Amend the bill by replacing all after the enacting clause with the following:

1 10-Year Highway Plan; Sagamore Bridge Widening Added. Amend 1986, 203:4-a, I(c) as inserted by 1988, 247:1 to read as follows:

(e) Seabrook-Portsmouth Improvements on US Route 1 at various locations for the purpose of improving safety and increasing traffic carrying capabilities. *Such improvements shall include widening of the Sagamore Creek bridge in the city of Portsmouth.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of transportation to widen the Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth.

SB 69-FN, relative to pricing and use of promotion funds by the liquor commission. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas A. Behrens for Regulated Revenues: The sponsor and the chairman of the Liquor Commission, the only two people to testify, both recommended that the bill be found "Inexpedient to Legislate." The committee so voted. Vote 13-0.

REGULAR CALENDAR

SB 158, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund, creating a bi-state commission for economic security and allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security. **OUGHT TO PASS WITH AMENDMENT**

Reps. Beverly A. Gage, Eric N. Lindblade and Elizabeth L. Crory for Commerce, Small Business and Consumer Affairs: Homelessness is a growing problem in our state. Often the lack of money for a security deposit is the only thing standing in the way of finding housing. By the state guaranteeing security deposit certificates, it is hoped that housing will be available for at least some of the homeless. Sections two and three were amended out of the bill with the intent that further study of the issues will be done by the Commerce Committee with the full support of leadership. A delay on section two is needed to prevent any interference with the lawsuit dealing with the boundary dispute between Maine and New Hampshire now before the United States Supreme Court. Section three requires work, and the committee is interested in the concept. Vote 15-0.

Amendment (2584B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund.

Amend RSA 126-A:92, V as inserted by section 2 of the bill by replacing it with the following:

V. "Local housing security provider" means a local or area governmental or private non-profit agency or organization which contracts with the division to administer and provide assistance to tenants in obtaining security deposit funding and which shall comply with all federal fair housing standards.

Amend RSA 126-A:92, VII as inserted by section 2 of the bill by replacing it with the following:

VII. "Qualifying security deposit amount" means an adjustable amount consistent with local market conditions as determined by the local or area administrator and reported to the division; such amount not to exceed one month's rental fee for the subject housing unit.

Amend RSA 126-A:94, II(h) as inserted by section 2 of the bill by replacing it with the following:

(h) Sworn statements from both the landlord and the qualified tenant describing their prior participations, if any, in the security deposit guarantee program established under this subdivision.

Amend RSA 126-A:98 as inserted by section 2 of the bill by replacing it with the following:

126-A:98 Tenant's Right to Refund. In the event a tenancy is terminated before all periodic payments have been made to the division and no claim for redemption is brought by the landlord

within the period specified, a qualified tenant may claim a refund of all payments made by the tenant and a cancellation of the tenant's written agreement to make any additional payments. The claims shall be brought by tenants within one year from the date of the termination of the tenancy. All payment amounts unclaimed at the end of the one-year period shall be held in a fund established in RSA 126-A:102 for the purpose of making payments upon redemption of guarantee certificates.

Amend RSA 126-A:102 as inserted by section 2 of the bill by replacing it with the following:

126-A:102 Fund Established. There is established in the office of the state treasurer a nonlapsing security deposit fund. The fund shall be continually appropriated to the director of the division to be used for the purposes of this subdivision. The amount in such fund shall not exceed \$1,000,000.

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill is relative to the economic security of the state's citizens.

Specifically, this bill establishes a program to assist eligible tenants in securing housing by guaranteeing their security deposits. The money loaned for such security deposit is to be paid back in fractional amounts, such amounts to be determined by the appropriate local housing security provider. The program is to be administered by the division of mental health and developmental services, department of health and human services.

Adopted.

Report adopted and referred to Appropriations.

SB 95, revising, conditioning, or repealing the rulemaking authority of the state board of education. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nils H. Larson, Jr. for Education: This bill more accurately defines the respective roles of the state board of education and the state department of education. Recent events have emphasized the need for this action and the bill represents the efforts of the concerned parties. Vote 17-0.

Rep. Fenton moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Daniels spoke in favor and yielded to questions.

Rep. Larson spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 68

NAYS 273

YEAS 68 BELKNAP

Johnson, Carl	Laffam, Robert	Lawton, David	Rice, Thomas, Jr.
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CARROLL

Cogswell, Richard	Mock, Henry	Wiggin, Gordon
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CHESHIRE

Cole, Stacey	Young, David
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COOS

Pratt, Leighton

GRAFTON

Eaton, Stephanie	Rose, William
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HILLSBOROUGH

Arnold, Thomas, Jr.	Bergeron, Normand	Borsa, Andrew	Burke, M. Virginia
Calawa, Leon, Jr.	Daniels, Gary	Donovan, Francis	Fenton, James
Gervais, Glen	Holley, Sylvia	Hunter, Bruce	Jasper, Shawn

Jean, Loren
Morrisette, Roland
Riley, Frances

Laughlin, J. Francis
Pepino, Leo
Toomey, Kathryn

Milligan, Robert
Plourde, Alphonse
Wells, Peter, Sr.

Moncrief, Keith
Rheault, Lillian
Wright, George

MERRIMACK

Barberia, Richard
Regan, Maurice

Houlahan, Thomas

Kennedy, Richard

Langer, Ray

ROCKINGHAM

Aranda, M. Kathryn
Chester, Sherman
Dube, LeRoy
Malcolm, Kenneth
Pullman, Robert
Sytek, John

Arndt, Janet
Cote, Charles
Flanders, David
Moore, Benjamin
Putnam, Ed, II
Weyler, Kenneth

Beaulieu, Jon
Crossman, Harold, Jr.
Hemenway, Thomas
Noyes, Richard
Smith, Arthur

Blake, Daniel
DiPietro, Carmela
Kruise, Fred
Pratt, Katharin
Stitch, C. Donald

STRAFFORD

Brown, George

Chagnon, Ronald

Knowles, William

Torr, Franklin

SULLIVAN

Lindblade, Eric

NAYS 273

BELKNAP

Bartlett, Gordon
Golden, Paul
Salatiello, Thomas

Cain, Thomas
Hauck, William
Smith, Linda

Campbell, Richard, Jr.
Hawkins, Robert
Turner, Robert

Dewhirst, Glenn
Holbrook, Robert
Ziegra, Alice

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.

Beach, Mildred
Foster, Robert

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Saunders, Howard

CHESHIRE

Avery, Stephen
DePecol, Benjamin
Lynch, Margaret
Pearson, Gertrude
Riley, William
Smith, Edwin

Bonneau, Sarah
Delano, Robert
McGuirk, Paul
Perry, David
Robertson, Timothy

Burnham, Daniel
Hunt, John
McNamara, Wanda
Pratt, Irene
Royce, H. Charles

Champagne, Richard
Kingsbury, H. Thayer
Metzger, Katherine
Richardson, Barbara
Russell, Ronald

COOS

Coulombe, Henry
Hawkinson, Marie
Wiswell, James

Foss, Frederic
Horton, Lynn

Guay, Lawrence
Mayhew, Josephine

Harwell, Tyler
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Patricia
Driscoll, William
Larson, Nils, Jr.
Trelfa, Richard

Bean, Pamela
Chase, Paul, Jr.
Gordon, Edward
McIlwaine, Deborah
Wadsworth, Karen

Brown, Alson
Crory, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Ward, Kathleen

Brown, Channing
Dow, David
Hill, Richard
Teschner, Douglass

HILLSBOROUGH

Ahern, Richard
Arnold, Barbara
Cepaitis, Elizabeth
Cowenhoven, Garret
Domaigne, Jacquelyn

Ahlgren, Madelyn
Bagley, Amy
Chabot, Robert
Crotty, Edward
Drabinowicz, A. Theresa

Ahrens, Frederick
Bowers, Dorothy
Clemons, Jane
Desrosiers, William
Drolet, Paul

Andrews, Frederick
Buckley, Raymond
Cote, David
Dodge, Emma
Durham, Susan

Dyer, Merton
 Foster, Linda
 Gosselin, Gerald
 Hart, Nick
 Holt, Mark
 Kelley, Robert
 Leclerc, Charles
 Lozeau, Donnalee
 Mercer, Robert
 Morello, Michael
 Paquette, Rodolphe
 Record, Alice
 Sargent, Maxwell
 Soucy, Richard
 Wheeler, Robert

Dykstra, Leona
 Franks, Suzan
 Greenberg, Gary
 Healy, Daniel
 Jean, Claudette
 Kirby, Thomas
 Lefebvre, Roland
 Mason, Howard
 Messier, Irene
 Murphy, Robert
 Perkins, Paul
 Reidy, Frank
 Searles, Stanley, Sr.
 Turgeon, Roland
 White, John

Ferguson, Charles
 Gage, Ruth
 Haettenschwiller, Alphonse
 Holden, Carol
 Johnson, Lionel
 L'Heureux, Robert
 Lessard, Rudy
 McCarty, Winston
 Mittelman, David
 Nardi, Theodora
 Peters, Stanley
 Rothhaus, Finlay
 Smith, Leonard
 Upton, Barbara

Fields, Dennis
 Gagnon, Eugene
 Hall, Betty
 Holt, David
 Kelley, Dana
 Lachut, Ervin
 Lown, Elizabeth
 McRae, Karen
 Moore, Elizabeth
 Packard, Bonnie
 Philbrook, Paula
 Sallada, Roland
 Soucy, Donna
 Vanderlosk, Stanley

MERRIMACK

Apple, Lowell
 Chandler, Earle
 Feuerstein, Martin
 Gross, Caroline
 Johnson, Joyce May
 Newland, Matthew
 Rogers, Katherine
 Trombly, Rick
 Whalley, Michael

Braiterman, Thea
 Chandler, John
 Fillion, Paul
 Hall, Douglas
 Kidder, William
 Nichols, Avis
 Shaw, Randall
 Wallner, Mary Jane
 Whittemore, James

Buessing, Marjorie
 Daneault, Gabriel
 French, Barbara
 Hill, Michael
 Lockwood, Robert
 Owen, Derek
 Soldati, Jennifer
 Ward, Jay
 Willis, Jack

Carter, Susan
 Dunn, Miriam
 Gilbreth, Robert
 Johnson, C. William
 Moore, Carol
 Pfaff, Terence
 Teague, Bert
 Weeks, John, Jr.
 Yeaton, Charles

ROCKINGHAM

Battles, Marjorie
 Caswell, Albert, Jr.
 Coes, Betsy
 Drake, Herbert
 Flanders, John, Sr.
 Johnson, Bill
 Klemarczyk, Thaddeus
 McGovern, Cynthia
 Pantelakos, Laura
 Rosencrantz, James
 Skinner, Patricia
 Sytek, Donna
 Woods, Deborah

Bell, Juanita
 Christie, Andrew, Jr.
 Conroy, Janet
 Felch, Charles, Sr.
 Gorman, Donald
 Johnson, Robert
 Klemm, Arthur, Jr.
 Miller, Don
 Raynowska, Bernard
 Rubin, George
 St. Martin, Tommy
 Vaughn, Charles
 Yennaco, Carol

Boucher, William
 Clark, Martha
 Cote, Patricia
 Fesh, Robert
 Groves, Bonnie
 Katsakiores, George
 Lee, Rebecca
 Newman, Rick
 Richards, David
 Schanda, Joseph, Sr.
 Stone, Joseph
 Welch, David

Bove, Martin
 Clark, Vivian
 Dowd, Sandra
 Flanagan, Natalie
 Hurst, Sharleene
 Katsakiores, Phyllis
 Lovejoy, Marian
 Packard, Sherman
 Ritzo, Eugene
 Senter, Marilyn
 Syracuse, Anthony
 Williamson, William

STRAFFORD

Brown, Julie
 Hambrick, Patricia
 Keans, Sandra
 McCann, William, Jr.
 Nehring, William
 Rogers, Rose Marie
 Torr, Ann
 Wasson, Richard

Callaghan, Frank
 Hashem, Elaine
 Kincaid, William
 McGrath, J. Gregory
 O'Brien, John
 Snyder, Clair
 Torr, Ralph
 Wheeler, Katherine

Douglass, Clyde
 Hemon, Roland
 Loder, Suzanne
 McKinley, Robert
 Pageotte, Donald
 Spear, Barbara
 Vincent, Francis

Dunlap, Patricia
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Pelletier, Arthur
 Sullivan, Henry
 Wall, Janet

SULLIVAN

Allison, David
 Domini, Irene
 Rodeschin, Beverly

Behrens, Thomas
 Holl, Ann
 Schotanus, Merle

Burling, Peter
 Palmer, Lorraine

Cloutier, John
 Peyron, Fredrik

and the motion failed.

Amendment (2500B)

Amend the title of the bill by replacing it with the following:

AN ACT

defining the authority of the state board of education
and the department of education.

Amend the bill by replacing all after section 4 with the following:

5 Board To Act Through Commissioner. Amend the introductory paragraph of RSA 21-N:11 to read as follows:

21-N:11 Duties of Board. The state board of education established by RSA 21-N:10, *in conjunction with the commissioner of the department of education*, shall:

6 Board to Advise Commissioner Regarding Legislation. Amend RSA 21-N:11, II to read as follows:

II. Advise the commissioner of education with regard to department goals, *legislation*, information gathering and any other aspect of elementary and secondary education within the state of New Hampshire.

7 New Paragraphs; Duties of the Board Expanded. Amend RSA 21-N:11 by inserting after paragraph V the following new paragraphs:

VI. Establish procedures for conducting board meetings and carrying out its duties, including the role and responsibilities of board members.

VII. Annually evaluate the performance of the commissioner.

8 Authority Defined. Amend RSA 186:5, 186:6, 186:6-a and 186:7 to read as follows:

186:5 Powers. The state board shall have [the same] *similar* powers of [management,] supervision[,] and direction over all public schools in this state as the directors of a business corporation have over its business, except as otherwise limited by law. It may make all rules and regulations necessary for the [management] *conduct* of its own business and [for the conduct] of its officers[, employees,] and agents, and to secure the efficient administration of the public schools and the administration of the work of Americanization, in teaching English to non-English-speaking adults and in furnishing instruction in the privileges, duties, and responsibilities of citizenship, which is hereby declared to be an essential part of public school education. It shall be the duty of school boards and employees of school districts to comply with the rules and regulations of the state board.

186:6 Compliance with Federal Provisions. The state board *in conjunction with the commissioner of the department of education* may also make the regulations necessary to enable the state to comply with the provisions of any law of the United States intended to promote vocational or other education, to abolish illiteracy and Americanize immigrants, to equalize educational opportunities, to promote physical health and recreation, and to provide an adequate supply of trained teachers.

186:6-a Limitation of Education. Notwithstanding any other provision of law, the authority of the state department of education shall be limited to the problems associated with kindergarten and grades one through 12 [and to the government of the technical colleges and institutes created and existing under RSA 188-A] provided, however, that the state board of education shall be authorized to accept, distribute and supervise funds for pre-kindergarten programs.

186:7 Federal Funds; Cooperation. The state treasurer shall be custodian of any money that may be allotted to the state by the federal government for general educational purposes. He shall also be the custodian of all moneys received by the state from appropriations made by congress for vocational rehabilitation of persons disabled in industry or otherwise, together with moneys received for this purpose from other sources, and is authorized to make disbursements therefrom upon the order of the [state board] *department of education*. The state board is authorized and directed to cooperate with the proper authorities of the United States in educational work and in carrying out the provisions of the federal civilian vocational rehabilitation act.

9 Authority Defined. Amend RSA 186:11, III to read as follows:

III. BUDGET: INFORMATION. [Prepare a] *Review the budget prepared by the department of education* for such expenditures, give to the public information as to the educational conditions in different parts of the state and the opportunities open to pupils in the public schools, and all such further information in respect to educational matters as will promote the cause of education. For this purpose it may employ lecturers and publish and distribute books and pamphlets on education and educational subjects.

10 Minor Inserted. Amend RSA 186:11, XVIII to read as follows:

XVIII. SCHOOL ATTENDANCE. Enforce the laws relative to school attendance and the employment of minors[; and for this purpose the board and its deputies are vested with the power given by law to truant officers].

11 Assistants. Amend RSA 186:11, XXV to read as follows:

XXV. ASSISTANTS. Employ [as many] supervisors, inspectors, stenographers, accountants, clerks and agents as may be necessary to enable it to perform the duties imposed on it by law.

12 Authority Defined. Amend RSA 186-C:12 to read as follows:

186-C:12 Federal Assistance. The state board of education *in conjunction with the department of education* is authorized to cooperate with the federal government or any agency of the federal government in the development of any plan for the education of educationally disabled children and to receive and expend, in accordance with such plan, all funds made available to the state [board of education] *of New Hampshire* from the federal government or any of its agencies, the state or from other sources. The several school districts of the state are authorized to receive, incorporate in their budgets, and expend for the purposes of this chapter such funds as may be made available to them through the state board of education from the federal government or any of its agencies.

13 New Section; Local School Board's Duty. Amend RSA 189 by inserting after section 1-c the following new section:

189:1-d Duty of Local School Boards. It shall be the duty of each local school board to comply with the rules of the state board of education, and to ensure that all employees of the school district comply with these rules.

14 New Paragraph; SAU School Board's Duty. Amend RSA 189:43 by inserting after paragraph V the following new paragraph:

VI. The school board of each school administrative unit shall comply with the rules of the state board of education, and shall ensure that all employees of the school administrative unit comply with these rules.

15 Change from "State Board" and "Board" to "Department." Amend RSA 190:7 to read as follows:

190:7 Employment of Consultant. The council is empowered to employ consultant services subject to the approval of the [state board] *department* of education. The [said board] *department* shall pay the expenses of such employment.

16 Change from "State Board," "Board of Education" or "State Board of Education" to "Department of Education." Amend the following RSA provisions by replacing "state board," "board of education," or "state board of education" with "department of education": 186:13, XI; 186:62, II; 186:63; 186-C:2, II; 189:11-a; 190:6; 198:15-a; and 198:15-d.

17 Repeal. The following are repealed:

I. RSA 186:11, VI, VII and VIII, relative to school registers, public documents and district returns.

II. RSA 186:11, XIV and XV, relative to lectures and truant officers.

III. RSA 186:11, XXVIII, relative to employing health personnel.

IV. RSA 186:11, XXXI and XXXII, relative to driver education and learning disability teachers.

V. RSA 186:11, XXXIV, relative to the missing child education program.

18 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill defines the authority of the state board of education and the department of education.

Adopted.

Rep. Skinner offered a floor amendment.

Floor Amendment (2587B)

Amend RSA 186:6 as inserted by section 8 of the bill by replacing it with the following:

186:6 Compliance with Federal Provisions. The state board may also make the regulations pursuant to RSA 21-N:9 necessary to enable the state to comply with the provisions of any law

of the United States intended to promote vocational or other education, to abolish illiteracy and Americanize immigrants, to equalize educational opportunities, to promote physical health and recreation, and to provide an adequate supply of trained teachers.

Amend the bill by replacing section 16 with the following:

16 Change from "State Board," "Board of Education" or "State Board of Education" to "Department of Education." Amend the following RSA provisions by replacing "state board," "board of education," or "state board of education" with "department of education": 186:13, XI; 186:62, II; 186:63; 189:11-a; 190:6; 198:15-a; and 198:15-d.

Rep. Skinner spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 197-FN, implementing Title V of the Clean Air Act. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Environment and Agriculture: After extensive discussion, the Committee determined this bill ought to pass as amended. The bill brings New Hampshire into compliance with federal Clean Air Act Amendments with regard to Title V, permitting of industries. Federal law requires a \$25 per ton fee to be assessed to an industry's emissions. Failure to enact this bill will result in highway funds being sanctioned and stiff penalties being placed upon industry in New Hampshire. Furthermore, the EPA has authority to run this program if New Hampshire does not do so. Despite the \$25 per ton fee charged to an industry's emissions, there was no opposition by the NH business community to this bill at either committee hearing. Vote 15-1.

Amendment (2563B)

Amend RSA 125-C:2 as inserted by section 3 of the bill by replacing it with the following:

XI. "Stationary source," any building, structure, facility, or installation which emits or which may emit any regulated air pollutant.

Amend RSA 125-C:15, I as inserted by section 12 of the bill by replacing it with the following:

I. Whenever the director or [his] *the director's* authorized representative finds that [a] *any device or affected* source of air pollution has resulted in a violation of any of the provisions of this chapter or any rules in force hereunder, *or any condition in a permit issued under this chapter*, the director shall issue a notice of violation and, where appropriate, an order of abatement establishing a compliance schedule with which said *device or affected* source shall comply. Any order of abatement shall become final and enforceable by the director within [10] *30* days of its issuance unless an appeal is filed with the air resources council before the expiration of said [10] *30*-day period. The council shall hold a hearing on any such appeal promptly, and shall thereafter issue a decision upholding, modifying or abrogating the director's order of abatement or any part thereof. The council's decision shall become final 10 days after it is issued. Upon a finding by the director that [the public health is threatened, he may] *there is an imminent and substantial endangerment to the public health or welfare or the environment, the director shall* issue an order of abatement requiring immediate compliance and said order shall be final and enforceable upon issuance, but may be appealed to the council within [10] *30* days of its issuance and the council may, after hearing, uphold, modify or abrogate said order.

Amend the bill by replacing section 15 with the following:

15 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and referred to Appropriations.

SB 216-FN-L, relative to persons and estates chargeable for support. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: Under current law the state may take the entire estate of a son or daughter as reimbursement for the care of a parent in a state institution leaving other family members without a share. Likewise, a parent's estate may be assessed for the care of an adult child. SB 216 sets more equitable limits to the responsi-

bility of persons or estates chargeable for support. The Fiscal Note states that the Department of Health and Human Services has determined this bill will have no fiscal impact on state, county and local revenues and expenditures. Vote 13-0.

Amendment (2485B)

Amend RSA 126-A:47 as inserted by section 2 of the bill by replacing it with the following:

126-A:47 Estates Chargeable for Support. Except as limited in RSA 126-A:49, expenses incurred *by anyone* in the institutions named in *RSA 126-A:45*, or, at the direction of the commissioner of health and human services, in any public or private institution, or elsewhere [by anyone having a father, mother, son, daughter, husband or wife whose estate is more than sufficient to pay priorities I, II, III, IV, and V of RSA 554:19, may be recovered in any action in the name of the state, from said estate, father, mother, son, daughter, husband or wife which are declared jointly and severally liable for such expenses, unless otherwise ordered by the court], *may be recovered in any action in the name of the state from the estate of the person, or the person's spouse, or mother or father, whose estate is more than sufficient to pay priorities I, II, III, IV, and V of RSA 554:19. The spouse and the father and mother are declared jointly and severally liable for expenses, unless otherwise ordered by the court, except that recovery of expenses against a mother or father shall be limited:*

I. To the expenses incurred before their child reached the age of majority.

II. As provided for in RSA 126-A:51.

III. To the share the patient or resident is entitled to if the father or mother died intestate.

IV. To the greater of the share the patient or resident is entitled to under the will or the share the patient or resident would have been entitled to if the father or mother had died intestate.

Adopted.

Report adopted and ordered to third reading.

SB 231-FN-A-L, relative to lead poisoning and control and continually appropriating a fund to the director of public health services. OUGHT TO PASS

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: This bill addresses much needed changes in control of lead poisoning. The hearing was lengthy and detailed. Compromises incorporated the best of HB 643-FN and the needs of public health, property owners and tenants. The methods of lead abatement are carefully defined. The bill establishes standards in education and training of contractors, inspectors and property owners. The magnitude of childhood lead poisoning in New Hampshire, which has resulted in permanent learning disabilities and behavior problems, makes it important to support the unanimous committee vote of 17-0. The Fiscal Note, as amended by the Senate, calls for an increase in state special fund revenue and expenditures by \$58,350 in FY 1995 and in each year thereafter. There will be no impact on county and local revenues and expenditures.

Rep. Ziegler offered a floor amendment.

Floor Amendment (2617B)

Amend RSA 130-A:8-a, II(f)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) The tenant provides the owner with written notice of the address where such tenant can be contacted when the lead exposure hazard has been abated.

Rep. Ziegler spoke in favor.

Adopted.

Report adopted and referred to Executive Departments and Administration.

SB 143-FN, establishing a process for policy analysis of state agencies and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Miriam D. Dun for Legislative Administration: The committee had a number of procedural questions about this bill, which had 10 sponsors from both House and Senate and both sides of the aisle. The committee will try to formulate objectives and procedures for the 1994 Session. Vote 9-2.

Adopted.

SB 68, establishing a challenge grant to restore and preserve the Nansen ski jump facility. **RE-REFER TO COMMITTEE**

Rep. Andrew J. Borsa for Public Works: The committee was unsure of local support for this project and whether it would be a viable tourist facility. Re-Referral permits these questions to be answered. If the project is not supported or viable, then the committee will recommend the Department of Resources and Economic Development surplus the facility. Vote 10-6.

Adopted.

SB 154-A, establishing a regional vocational education center in Milford and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Keith W. Moncrief for Public Works: Passage of SB 154-A as amended provides for the design, engineering and construction of a regional vocational center in Milford. This is the last center of the original twenty-center program. The amendment provides for capital budget overview committee approval prior to construction. Vote 15-0.

Amendment (2554B)

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$5,500,000 of the appropriation in section 1 is to be used for the purpose of designing, engineering and constructing a regional vocational education center in Milford. Those funds designated for construction shall not be released to the department of education until the capital budget overview committee has granted specific approval.

AMENDED ANALYSIS

This bill appropriates capital funding for designing, engineering and construction of a regional vocational education center in Milford. The funds designated for construction shall require approval by the capital budget overview committee.

Adopted.

Report adopted and referred to Appropriations.

SB 162-FN-L, authorizing the sweepstakes commission to establish video lottery games. **MAJORITY: RE-REFER TO COMMITTEE. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dana F. Kelley for the Majority of Regulated Revenues: The committee was extremely divided in its deliberation. A rushed schedule and four amendments submitted on the day of the hearing did not allow an appropriate amount of time for the committees' review. The committee by a split vote of 10 - 7 recommends re-referral of this legislation. It is the intent of the committee to review all aforementioned amendments as part of the re-referral process. Vote 10-7.

Reps. Leona Dykstra and Elaine Hashem for the Minority of Regulated Revenues: The minority of the Committee supports the House's position on previous gambling bills of Inexpedient to Legislate. Legalizing video poker machines statewide was defeated in the House by a voice vote, and the racetrack relief bill by a two to one margin. The Association of NH Chiefs of Police, Attorney General Jeff Howard, Col. Lynn Presby from the NH Department of Safety and State Police and other police enforcement officials spoke in opposition citing addiction, corruption and organized crime. The majority of testimony was in opposition. If this bill is re-referred, it will go back to committee where a video poker racetracks only amendment, which will create a monopoly for the racetracks, is waiting.

Rep. Dykstra moved that the words Inexpedient to Legislate be substituted for the report of the Committee Re-refer to Committee, spoke in favor and yielded to questions.

Reps. Behrens and Trombly spoke against and yielded to questions.

Rep. Marilyn Campbell spoke in favor.

Reps. Owen and Beverly Gage spoke in favor and yielded to questions.

Rep. Gross spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 130

NAYS 226

**YEAS 130
BELKNAP**

Campbell, Richard, Jr.
Laffam, Robert

Golden, Paul

Hauck, William

Holbrook, Robert

CARROLL

Chandler, Gene
Cogswell, Richard

CHESHIRE

Bonneau, Sarah	Cole, Stacey	Foster, Katherine	Kingsbury, H. Thayer
Metzger, Katherine	Perry, David	Pratt, Irene	Richardson, Barbara
Riley, William	Robertson, Timothy		

COOS

Harwell, Tyler
Mayhew, Josephine

GRAFTON

Adams, Carl	Brown, Alson	Brown, Patricia	Chase, Paul, Jr.
Croy, Elizabeth	Dow, David	Gordon, Edward	McIlwaine, Deborah
Nordgren, Sharon	Rose, William	Ward, Kathleen	

HILLSBOROUGH

Ahem, Richard	Ahlgren, Madelyn	Allen, W. Gordon	Amidon, Eleanor
Bergeron, Normand	Chabot, Robert	Daniels, Gary	Desrosiers, William
Domaingue, Jacquelyn	Durham, Susan	Dykstra, Leona	Gage, Ruth
Haettenschwiller, Alphonse	Hall, Betty	Holley, Sylvia	Kirby, Thomas
Messier, Irene	Mittelman, David	Moncrief, Keith	Moore, Elizabeth
Plourde, Alphonse	Riley, Frances	Toomey, Kathryn	Vanderlosk, Stanley
Wheeler, Robert	White, John	Wright, George	

MERRIMACK

Braiterman, Thea	Carter, Susan	Chandler, Earle	Chandler, John
Feuerstein, Martin	Fillion, Paul	French, Barbara	Gilbreth, Robert
Johnson, C. William	Johnson, Joyce May	Kidder, William	Langer, Ray
Moore, Carol	Owen, Derek	Regan, Maurice	Rogers, Katherine
Shaw, Randall	Teague, Bert	Wallner, Mary Jane	Ward, Jay
Weeks, John, Jr.	Willis, Jack	Yeaton, Charles	

ROCKINGHAM

Aranda, M. Kathryn	Battles, Marjorie	Beaulieu, Jon	Blake, Daniel
Campbell, Marilyn	Chester, Sherman	Christie, Andrew, Jr.	Clark, Martha
Clark, Vivian	Conroy, Janet	DiPietro, Carmela	Gage, Beverly
Kruse, Fred	Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth
Noyes, Richard	Pratt, Katharin	Putnam, Ed, II	Richards, David
Ritzo, Eugene	Smith, Arthur	St. Martin, Tommy	Stritch, C. Donald
Vaughn, Charles	Williamson, William	Woods, Deborah	Yennaco, Carol

STRAFFORD

Dunlap, Patricia	Hambrick, Patricia	Hashem, Elaine	Knowles, William
Loder, Suzanne	McGrath, J. Gregory	Merrill, Amanda	Musler, George
Nehring, William	O'Brien, John	Rogers, Rose Marie	Snyder, Clair
Torr, Ann	Torr, Franklin	Wall, Janet	Wasson, Richard
Wheeler, Katherine			

SULLIVAN

Cloutier, John	Domini, Irene	Holl, Ann	Lindblade, Eric
Palmer, Lorraine			

**NAYS 226
BELKNAP**

Bartlett, Gordon	Cain, Thomas	Dewhirst, Glenn	Hawkins, Robert
Johnson, Carl	Lawton, David	Rice, Thomas, Jr.	Rosen, Ralph
Salatiello, Thomas	Smith, Linda	Turner, Robert	Young, Niel
Ziegra, Alice			

CARROLL

Allard, Nanci
Foster, Robert
Wiggin, Gordon

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Mock, Henry

Dickinson, Howard, Jr.
Saunders, Howard

CHESHIRE

Avery, Stephen
Delano, Robert
McNamara, Wanda
Smith, Edwin

Burnham, Daniel
Hunt, John
Pearson, Gertrude
Young, David

Champagne, Richard
Lynch, Margaret
Royce, H. Charles

DePecol, Benjamin
McGuirk, Paul
Russell, Ronald

COOS

Bradley, Paula
Hawkinson, Marie
Wiswell, James

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Mears, Edgar

Guay, Lawrence
Pratt, Leighton

GRAFTON

Bean, Pamela
Ham, Bonnie
Teschner, Douglass

Brown, Channing
Hill, Richard
Trelfa, Richard

Driscoll, William
LaMott, Paul
Wadsworth, Karen

Eaton, Stephanie
Larson, Nils, Jr.

HILLSBOROUGH

Ahrens, Frederick
Bagley, Amy
Burke, M. Virginia
Cote, David
Donovan, Francis
Fenton, James
Franks, Suzan
Greenberg, Gary
Holt, David
Jean, Claudette
Kelley, Robert
Leclerc, Charles
Lozeau, Donnalee
Mercer, Robert
Murphy, Robert
Paquette, Rodolphe
Philbrook, Paula
Rothhaus, Finlay
Smith, Leonard
Upton, Barbara

Andrews, Frederick
Borsa, Andrew
Calawa, Leon, Jr.
Cowenhoven, Garret
Drabinowicz, A. Theresa
Ferguson, Charles
Gagnon, Eugene
Hart, Nick
Holt, Mark
Jean, Loren
L'Heureux, Robert
Lefebvre, Roland
Mason, Howard
Milligan, Robert
Nardi, Theodora
Pepino, Leo
Record, Alice
Sallada, Roland
Soucy, Donna
Wells, Peter, Sr.

Arnold, Barbara
Bowers, Dorothy
Cepaitis, Elizabeth
Crotty, Edward
Drolet, Paul
Fields, Dennis
Gervais, Glen
Healy, Daniel
Hunter, Bruce
Johnson, Lionel
Lachut, Ervin
Lessard, Rudy
McCarty, Winston
Morello, Michael
O'Rourke, Joanne
Perkins, Paul
Reidy, Frank
Sargent, Maxwell
Soucy, Richard

Arnold, Thomas, Jr.
Buckley, Raymond
Clemons, Jane
Dodge, Emma
Dyer, Merton
Foster, Linda
Gosselin, Gerald
Holden, Carol
Jasper, Shawn
Kelley, Dana
Laughlin, J. Francis
Lown, Elizabeth
McRae, Karen
Morrissette, Roland
Packard, Bonnie
Peters, Stanley
Rheault, Lillian
Searles, Stanley, Sr.
Turgeon, Roland

MERRIMACK

Apple, Lowell
Dunn, Miriam
Houlahan, Thomas
Nichols, Avis
Whalley, Michael

Barberia, Richard
Gross, Caroline
Kennedy, Richard
Pfaff, Terence
Whittemore, James

Buessing, Marjorie
Hall, Douglas
Lockwood, Robert
Soldati, Jennifer

Daneault, Gabriel
Hill, Michael
Newland, Matthew
Trombly, Rick

ROCKINGHAM

Arndt, Janet
Caswell, Albert, Jr.
Crossman, Harold, Jr.
Felch, Charles, Sr.
Flanders, John, Sr.
Hurst, Sharteene

Bell, Juanita
Coes, Betsy
Dowd, Sandra
Fesh, Robert
Gorman, Donald
Johnson, Robert

Boucher, William
Cote, Charles
Drake, Herbert
Flanagan, Natalie
Groves, Bonnie
Kane, Cecelia

Bove, Martin
Cote, Patricia
Dube, LeRoy
Flanders, David
Hemenway, Thomas
Katsakiores, George

Katsakiores, Phyllis
Miller, Don
Pullman, Robert
Schanda, Joseph, Sr.
Stone, Joseph
Welch, David

Klemarczyk, Thaddeus
Moore, Benjamin
Raynowska, Bernard
Senter, Merilyn
Syracusa, Anthony
Weyler, Kenneth

Klemm, Arthur, Jr.
Packard, Sherman
Rosencrantz, James
Skinner, Patricia
Sytek, Donna

McGovern, Cynthia
Pantelakos, Laura
Rubin, George
Splaine, James
Sytek, John

STRAFFORD

Brown, George
Douglass, Clyde
Keans, Sandra
McKinley, Robert
Pelletier, Marsha
Vincent, Francis

Brown, Julie
Gilmore, Gary
Kincaid, William
Merritt, Deborah
Spear, Barbara

Callaghan, Frank
Hemon, Roland
Lundborn, Raymond
Pageotte, Donald
Sullivan, Henry

Chagnon, Ronald
Hilliard, Dana
McCann, William, Jr.
Pelletier, Arthur
Torr, Ralph

SULLIVAN

Allison, David
Rodeschin, Beverly

Behrens, Thomas
Schotanus, Merle

Burling, Peter
Stamatakis, Carol

Peyron, Fredrik

and the motion failed.

Report adopted.

(Rep. Michael Hill in the Chair)

SB 73-FN-A, making an appropriation to promote international tourism. **OUGHT TO PASS**

Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development: The Committee wishes to give its strong support to SB 73 which proposes to increase the State's international tourism promotion, not only in Canada where we have focused our efforts in recent years, but in Europe (ETO). European travelers stay longer and spend more than their U.S. counterparts. Furthermore, inflationary pressures upon the peseta, lira and drachma have forced Northern Europeans to look elsewhere for their vacations. Consequently, the U.S. has become a travel bargain. Taking advantage of this opportunity, two years ago the six New England states started the "Discover New England" program, a modest first effort focused on France and the United Kingdom. The following analysis was presented in testimony concerning our existing tourism program: For every \$100,000 spent for tourism promotion, \$8,000,000 is generated in gross sales in New Hampshire and \$780,000 is returned in additional tax revenue to the State. The Committee concurs with the sponsors of SB 73 and the Office of Tourism and Vacation Development (DRED) that New Hampshire should take advantage of this emerging economic opportunity to expand our tourism base in the Central and Northern European markets. SB 73 offers the means to do this. While RR&D is tempted to amend the bill to include an appropriation, we hesitated to do so because of a longstanding agreement with the House Appropriations Committee. We do recommend, however, that the Appropriations Committee provide significant funding in order to exploit this opportunity. Vote 11-1.

Adopted and referred to Appropriations.

SB 139-FN-A, requiring the department of environmental services to design a river basin planning and assessment program and making an appropriation therefor. **OUGHT TO PASS**

Rep. Janet M. Conroy for Resources, Recreation and Development: This bill is one of four recommended by the Public Water Rights Study Committee. Enacting this legislation will allow DES to design a river basin planning and assessment program. While the state already possesses a significant amount of information on our water resources, we have yet to develop and fund a systematic planning program to address these resources. This bill, in the Senate hearing, received support from the water industries and business community. There was unanimous support for SB 139 in the House hearing. Vote 14-0.

Adopted and referred to Appropriations.

SB 168-FN, relative to oil terminal facility registration and small fuel oil facilities. **OUGHT TO PASS WITH AMENDMENT**

Reps. Michael D. Whalley and Ann C. Holl for Resources, Recreation and Development: This bill is designed to assist homeowners and bulk storage facilities of heating oil (with a total storage capacity of 1,100,000 gallons or less) in case of a fuel oil spill. A fee of \$0.002 per gallon would be imposed on fuel oil (used for heating) at the time of importation into the state. The fund is capped at five million dollars and then re-established when the fund balance is less than four million dollars. Vote 14-0.

Amendment (2562B)

Amend RSA 146-E:1 as inserted by section 1 of the bill by replacing it with the following:

146-E:1 Purpose. The general court finds that discharges of fuel oil represent a potential serious health and safety problem to the citizens of New Hampshire and a threat to the quality of the groundwaters and surface waters of the state. In addition, the cost of cleanup of fuel oil discharges is a significant economic burden for which economic assistance is otherwise not available. The purpose of this chapter is to establish a fund to be used in addressing the costs incurred in the cleanup of fuel oil discharges.

Amend RSA 146-E:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Bulk storage facility" means a location not regulated under RSA 146-C, consisting of a system of storage tanks, pipes, pumps and appurtenant structures, singly or in any combination, with a total storage capacity less than or equal to 1,100,000 gallons, which is or has been used for the storage and distribution of fuel oil.

Amend RSA 146-E:2, II as inserted by section 1 of the bill by replacing it with the following:

II. "Fuel oil" means fuel oil products stored for on-premise heating purposes, and not for purposes of propulsion of motor vehicles, operation of machinery, or primarily used for the generation of electric power.

Amend RSA 146-E:2, III as inserted by section 1 of the bill by replacing it with the following:

III. "On-premise-use facility" means a system of storage tanks, pipes, pumps and appurtenant structures, singly or in any combination, which is or has been used for the storage of fuel oil for on-premise-use, and is not subject to regulation under RSA 146-C.

Amend RSA 146-E:3 as inserted by section 1 of the bill by replacing it with the following:

146-E:3 Fund Established; Collection.

I. There is established a fuel oil discharge cleanup fund, which shall be administered by the oil fund disbursement board established under RSA 146-D:4. This fund shall be used to reimburse costs incurred in the cleanup of fuel oil discharges in the waters and soils of the state, including administrative, technical and legal support required by the oil fund disbursement board in administering the fund, and in paying third party damages.

II. A fee of \$.002 per gallon of fuel oil shall be assessed at the time of importation into this state. Persons licensed under RSA 146-A:11-b, II shall be liable for payment of this additional fee which shall be collected and enforced in the manner described in RSA 146-D:3, III and V. All fee revenues shall be deposited in the fuel oil discharge cleanup fund. If the fund's balance becomes greater than \$5,000,000, the assessment of fees shall be discontinued and only reestablished when the fund's balance is less than \$4,000,000. Until the fund balance reaches \$2,000,000, at least 50 percent of the fees collected shall be allocated for reimbursements to on-premise-use facility owners and owners of land upon which on-premise-use facilities are located and for the administrative, technical and legal support associated with such reimbursements.

III. Moneys collected for the fund shall be deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund.

Amend RSA 146-E:5 as inserted by section 1 of the bill by replacing it with the following:

146-E:5 Requirements for Bulk Storage Facilities. The fund shall be available to owners of bulk storage facilities which are in compliance with all applicable federal and state requirements for such facilities. To be eligible for reimbursement, the following registration requirements shall be met:

I. The owner shall have registered the facility with the division of water supply and pollution control on forms provided by the division. Information on the form shall include, but not be limited to, the following information:

(a) Facility name, location and address.

(b) Owner's name, mailing address and telephone number.

(c) Contact person for the facility.

(d) The storage capacity, product stored, material of construction and age of the storage tanks and appurtenances.

II. Bulk storage facilities existing on or before July 1, 1993, shall be registered no later than July 1, 1994. Bulk storage facilities constructed after July 1, 1993, shall be registered no later than 60 days after the completion of construction.

Amend RSA 146-E:6 as inserted by section 1 of the bill by replacing it with the following:
146-E:6 Eligible Expenses.

I. The fund shall be available to owners of on-premise-use facilities, owners of land upon which on-premise-use facilities are located, and bulk storage facilities as defined in this chapter. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of bulk storage facilities shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II.

II. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of on-site and off-site cleanup of fuel oil discharges in amounts not to exceed \$500,000, incurred on or after October 1, 1992.

III. Reimbursement from the fund for damages to third parties shall be payable only to the extent to which such damages are not covered by other insurance policies. Reimbursement from the fund for costs of cleanup shall be reduced by the amount of any payments received from other insurance for such costs.

IV. Requests for reimbursement received by the oil fund disbursement board for which sufficient funds are not available shall be held by the board pending availability of funds and shall be reviewed in the order in which they were received.

V. Facilities which have not met the requirements of RSA 146-E:4 and RSA 146-E:5 shall not be eligible for reimbursement until compliance with such sections has been achieved. The board may waive the registration deadlines established by RSA 146-E:5, II on a case by case basis, for good cause.

VI. Costs of new tanks and associated piping, or repairs to existing tanks and associated piping, shall not be considered eligible costs under this chapter.

Amend RSA 146-E as inserted by section 1 of the bill by inserting after section 146-E:6 the following new section:

146-E:7 Annual Report. The oil fund disbursement board shall submit by October 1 of each year an annual report on the status of the fuel oil discharge cleanup fund to the governor, the speaker of the house and the senate president. The first report shall be submitted no later than October 1, 1994.

Amend the bill by replacing section 2 with the following:

2 New Subparagraph; Fuel Oil Discharge Cleanup Fund. Amend RSA 6:12 by inserting after subparagraph (zz) the following new subparagraph:

(aaa) Moneys received from the fuel oil discharge cleanup fund established in RSA 146-E:3.

Amend the bill by replacing all after section 3 with the following:

4 Oil Import Records. RSA 21-P:14, V(q) is repealed and reenacted to read as follows:

(q) Procedures for the inspection and verification of oil import records pursuant to RSA 146-A:11-b, RSA 146-D:3 and RSA 146-E:3 after consultation with the division of water supply and pollution control and the oil fund disbursement board.

5 Collection of Fees. Amend RSA 260:38, IV to read as follows:

IV. The department of safety shall be responsible for *licensing and the* collection of the fee established under *RSA 146-A:11-b*, RSA 146-D:3 and *RSA 146-E:3* and transfer of such [funds to the oil discharge and disposal cleanup fund] *fees into the appropriate designated funds* under rules adopted by the [division of water supply and pollution control] *commissioner* pursuant to RSA 541-A, after consultation with the *division of water supply and pollution control and the* oil fund disbursement board.

6 Registration of Bulk Storage Facilities. Amend RSA 146-D:6, I-a(b) to read as follows:

(b) Bulk storage facilities existing on or before July 1, 1993, shall be registered no later than July 1, 1994. Bulk storage facilities constructed after July 1, 1993, shall [register] *be registered* no later than 60 days after the completion of construction. *The board may waive the registration deadlines established by this subparagraph, on a case by case basis, for good cause.*

7 Repeal. RSA 21-P:14, V(t), relative to the procedures for inspection and verification of oil import records, is repealed.

8 Repeal. RSA 260:38, V, relative to the responsibility by the department of safety for licensing and collection of fees, is repealed.

9 Repeal.

I. RSA 146-A:11-c, V-b, relative to the procedures for inspection and verification of oil import records.

II. RSA 146-A:11-c, VII, relative to rules for licensing under RSA 146-A:11-b.

10 Repeal. 1988, 271:9, IX, relative to the repeal of oil discharge and disposal cleanup fees.

11 Contingency. If HB 172-FN of the 1993 session becomes law, section 7 of this act shall take effect at 12:01 a.m. on the effective date of HB 172-FN. If HB 172-FN of the 1993 session does not become law, section 7 of this act shall not take effect.

12 Contingency. If HB 434-FN of the 1993 session becomes law, section 8 of this act shall take effect July 1, 1993, at 12:01 a.m. If HB 434-FN does not become law, section 8 of this act shall not take effect.

13 Contingency. If HB 434-FN of the 1993 session does not become law, section 9 of this act shall take effect 60 days after its passage. If HB 434-FN does become law, section 9 of this act shall not take effect.

14 Applicability of Rules Adopted Under RSA 146-D. The oil fund disbursement board may administer disbursements from the fuel oil discharge cleanup fund under its present rules adopted under RSA 146-D for granting reimbursements from the oil discharge and disposal cleanup fund, in effect as of the effective date of this section, with the exception of those rules specifically pertaining to facilities regulated under RSA 146-C, to the extent that such rules are applicable to fuel oil facilities.

15 Effective Date.

I. Section 7 of this act shall take effect as provided in section 11 of this act.

II. Section 8 of this act shall take effect as provided in section 12 of this act.

III. Section 9 of this act shall take effect as provided in section 13 of this act.

IV. Sections 11-13 of this act shall take effect upon its passage.

V. The remainder of this act shall take effect 60 days after its passage.

Adopted.

Report adopted and referred to Ways and Means.

SB 12-FN, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages; adding a new fee for certain wine and liquor vendors; and relative to contracts by liquor and wine representatives and sanctions by the liquor commission against competitors. OUGHT TO PASS

Rep. Gertrude B. Pearson for Ways and Means: This bill creates a new category of liquor licenses and adds a new fee for wine and liquor vendors. The new fees replace lost revenues due to consolidation of the liquor warehouse. Vote 19-0.

Adopted and ordered to third reading.

SB 145-FN, relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers. OUGHT TO PASS WITH AMENDMENT

Rep. Stephen G. Avery for Regulated Revenues: This bill lessens the food requirement for on-site liquor licensees from \$100,000 to \$75,000. This will also exempt these licensees from the 50 percent requirement. Vote 11-0.

Amendment (2537B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to liquor licenses for full service restaurants.

Amend the bill by replacing all after the enacting clause with the following:

1 Liquor Licenses for Full Service Restaurants. Amend RSA 178:19, II (a)(1) to read as follows:

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages and liquor, to be consumed with meals at tables in the approved dining rooms of the restaurant. Full service restaurants holding cocktail lounge licenses may serve liquor in the dining room without meals when the restaurant kitchen is in operation and meals are being served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed annually between January 15 and February 15, for the previous calendar year, that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with annual food sales of at least \$100,000 shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill exempts restaurants with at least \$75,000 in annual food sales from the requirement for a liquor license that at least 50 percent of the gross sales of the licensee be from food. Currently only restaurants with at least \$100,000 in annual food sales are exempt from the 50 percent requirement.

Adopted.

Rep. Lozeau offered a floor amendment.

Floor Amendment (2621B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers.

Amend the bill by replacing all after section 1 with the following:

2 Supplemental Liquor License Fees; On-Site Caterers. Amend RSA 178:20, V(e)(1)(B) to read as follows:

(B) The commission may issue a supplemental license to an on-site caterer licensed to sell beverages and liquor with food to the public on dates approved by the commission when no private function is being catered under RSA 178:20, V(1)(A), unless such premises which have been approved by the commission are capable of being physically separated between public and private functions. The supplemental license may be issued to the applicant for 18, 36, or 52 events per license year. [for] The [fees] *fee charged for such license shall be* [established in RSA 178:27, I] *\$5 for 18, 36 or 52 events*. A person issued a supplemental license under this subparagraph shall meet all requirements of RSA 178:20, I-IV. The caterer shall request the commission's approval at least 5 days before any scheduled event to be serviced by a supplemental license. The commission may suspend or revoke the caterer's supplemental license without affecting any other license issued for the premises.

3 Supplemental Catering License Fees. Amend RSA 178:27, I to read as follows:

I. On-sale licensees shall pay the following applicable fees annually:

	<i>Supplemental Only</i>	<i>Beverages and Wine</i>	<i>Beverages and Liquor</i>	<i>Cocktail Lounge</i>
Airport				\$1,200
Alpine Slide				1,200
Ballroom	\$ 45			1,200
Bed and Breakfast		\$ 480	\$ 840	
Bowling Facility				1,200

Catering (all)			1,200
Catering (off-site only)			840
Catering (on-site only)			
18 events -	[450]	5	
36 events -	[750]	5	
52 events -	[1,200]	5	
Club Military			100
Club Social			
18 events -	450		1,200
36 events -	750		
52 events -	1,200		
Club Veterans			
18 events -	450		840
36 events -	750		
52 events -	1,200		
College Club			1,200
Convention Center			2,400
Dining Car	480	840	
Fairs	112		
Golf Facility			1,200
Hotel		840	1,200
One Day License			100
Performing Arts			360
Racetrack/Motor Vehicle			1,800
Racetrack/Pari-Mutuel			3,000
Racquet Sports			1,200
Rail Cars			1,200
Restaurant	480	840	1,200
Ski Facility			1,200
Special License		25	
Vessel	480	840	1,200

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill exempts restaurants with at least \$50,000 in annual food sales from the requirement for a liquor license that at least 50 percent of the gross sales of the licensee be from food. Currently only restaurants with at least \$100,000 in annual food sales are exempt from the 50 percent requirement.

The bill also decreases the fee to \$5 for a supplemental cocktail lounge license for an on-site caterer.

Rep. Lozeau spoke in favor and yielded to questions.

Rep. Avery spoke against.

On a division vote, 243 members having voted in the affirmative and 97 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

(Speaker Burns in the Chair)

SB 169-FN-A, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor. OUGHT TO PASS

Rep. Martin Feuerstein for Resources, Recreation and Development: This bill will expedite environmental permits by DES where lenders require them to assess potential environmental liability in real estate transfers. It establishes a fee schedule to give DES the funds for one staff position plus overtime to provide site reviews within 60 days of permit application. This bill also

requires DES to submit an annual report to the Legislature's leaders and Governor to evaluate costs, revenues, service demands and any changes needed for DES to provide timely responses. Vote 12-0.

Adopted and referred to Ways and Means.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the Rules be so far suspended as to permit consideration at the present time of the bills previously listed for action on Thursday, May 6, 1993.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS REGULAR CALENDAR

SB 192, relative to supplemental allowances for retirement system members. **INEXPEDIENT TO LEGISLATE**

Rep. J. Gregory McGrath for Executive Departments and Administration: This bill would change the procedures used to grant cost-of-living allowances to members of the New Hampshire Retirement system. It is similar to HB 433 which has already been passed by us and sent to the Senate. Testimony from the Senate sponsor indicated that HB 433 was acceptable. The committee felt that HB 433 is the more refined version of the two bills and that SB 192 is therefore unnecessary. Vote 14-2.

Adopted.

SB 200, relative to the payment of medical benefits to certain group II retirement system members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill allows the fourteen (14) group II members to be included in the medical sub-trust that pays a percentage of the retired members health insurance. This benefit is funded by the special account, therefore, requires no general fund appropriation. The amendment corrects an age discrimination in the accidental disability benefit for group I members. This brings us into compliance with OWBPA, the older workers' benefit protection act. Vote 16-0.

Amendment (2565B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the payment of medical benefits to certain group II retirement system members
and relative to the payment of disability retirement benefits
for group I and II members.

Amend the bill by replacing section 4 with the following:

4 Ordinary Disability Retirement Allowance for Group I Members. RSA 100-A:6, I(b) is repealed and reenacted to read as follows:

(b) Upon ordinary disability retirement, the group I member who has attained age 60 shall receive an ordinary disability retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's ordinary disability retirement, and a state annuity as follows:

(1) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of the member's ordinary disability retirement multiplied by the number of years of creditable service at the time of the member's ordinary disability retirement.

(2) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of the member's ordinary disability retirement multiplied by the number of years of creditable service at the time of the member's ordinary disability retirement.

(3) Regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of the member's disability retirement.

Upon ordinary disability retirement, the group I member who has not attained age 60 shall receive an ordinary disability retirement allowance which shall consist of: (1) a member annuity

which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's ordinary disability retirement; and (2) a state annuity which, together with the member annuity, shall be equal to 1.5 percent of the member's average final compensation at the time of the member's ordinary disability retirement multiplied by the number of years of creditable service at the time of the member's ordinary disability retirement. However, regardless of age at disability, the ordinary disability retirement allowance shall not be less than 25 percent of the member's average final compensation at the time of the member's disability retirement.

5 Accidental Disability Retirement Allowance from Group I Members. RSA 100-A:6, I(d) is repealed and reenacted to read as follows:

(d) Upon accidental disability retirement, the group I member who has attained age 60 shall receive an accidental disability retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's accidental disability retirement, and a state annuity as follows:

(1) Prior to the member's attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of the member's accidental disability retirement multiplied by the number of years of creditable service at the time of the member's accidental disability retirement.

(2) After attainment of age 65, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of the member's accidental disability retirement multiplied by the number of years of creditable service at the time of the member's accidental disability retirement.

(3) Regardless of age at disability, such allowance shall not be less than 50 percent of the member's average final compensation at the time of the member's accidental disability retirement.

Upon accidental disability retirement, the group I member who has not attained age 60 shall receive an accidental disability retirement allowance which shall consist of: (1) the member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's accidental disability retirement; and (2) a state annuity which, together with the member annuity, shall be equal to 50 percent of the member's average final compensation at the time of the member's disability retirement.

6 Ordinary Disability Retirement Allowance for Group II Members. RSA 100-A:6, II(b) is repealed and reenacted to read as follows:

(b) Upon ordinary disability retirement, the group II member shall receive an ordinary disability retirement allowance which shall consist of: (1) a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's ordinary disability retirement; and (2) a state annuity which, together with the member's annuity, shall be equal to 2-1/2 percent of the member's average final compensation at the time of the member's ordinary disability retirement multiplied by the number of years of the member's creditable service not in excess of 40 at the time of the member's ordinary disability retirement, provided, however, that such allowance shall not be less than 25 percent of the member's final compensation at the time of the member's disability retirement.

7 Effective Date. This act shall take effect June 30, 1993.

AMENDED ANALYSIS

This bill provides that the New Hampshire retirement system shall pay the cost of medical benefits for any person who, prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, is eligible for vested deferred retirement benefits.

The bill also amends the ordinary disability and the accidental disability retirement allowances which group I members receive, and the ordinary disability retirement allowance which group II members receive. This amendment is necessary in order for the retirement system statutes to comply with the United States Internal Revenue Code.

Adopted.

Report adopted and ordered to third reading.

SB 215, providing a cost of living adjustment for group II permanent firemen members of the New Hampshire retirement system. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would grant an additional retirement allowance to the retired members of the Fire component of the New Hampshire Retirement System. At this time, the special account does not contain sufficient funds to grant this additional allowance. The committee asks re-referred because we feel there will be sufficient funds available after the next determination of the value of the special account. Vote 16-0.

Adopted.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 11, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 5, repealing article 6 of the uniform commercial code on bulk sales and making conforming amendments.

SB 167, encouraging restaurants to practice source reduction at their establishments by requiring the establishment of a waste reduction certificate to be awarded by the department of environmental services.

SB 107, excluding services performed by real estate appraisers from the definition of "employment" for purposes of the unemployment compensation law.

SB 103, relative to the construction of exit 10 on the Spaulding turnpike.

SB 177-FN, relative to the Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth and the Cascade Street bridge between the city of Berlin and the town of Gorham and making an appropriation therefore.

SB 95, revising, conditioning, or repealing the rulemaking authority of the state board of education.

SB 216-FN-L, relative to persons and estates chargeable for support.

SB 12, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages; adding a new fee for certain wine and liquor vendors; and relative to contracts by liquor and wine representatives and sanctions by the liquor commission against competitors.

SB 145-FN, relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers.

SB 200, relative to the payment of medical benefits to certain group II retirement system members.

SUSPENSION OF RULES

Reps. Gross & Trombly moved that the Rules be so far suspended as to permit the Committee on Executive Departments and Administration to hold a public hearing without the required notice on **SB 231**, relative to lead poisoning and control and continually appropriating a fund to the director of public health services; and the Committee on Ways and Means to hold public hearings without the required notice on **SB 168**, relative to oil terminal facility registration and small fuel oil facilities and **SB 169**, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor.

Rep. Ward spoke in favor.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:28 p.m.

RECESS
 (Rep. Barbara Arnold in the Chair)
 ENROLLED BILLS REPORT

HB 152, changing the time period within which a claim may be submitted against the state.

HB 486, designating segments of the Piscataquog River for the rivers management and protection program.

HB 109, increasing certain fees and making technical corrections in the tobacco tax and timber tax.

HB 141, modifying the acid deposition control program.

HB 169, allowing town and school district meetings to be held outside the town or school district and relative to the charter of the Holderness School.

HB 254, relative to the authority of the state treasurer to void state checks and relative to increasing the fee for checks returned to the state.

HB 348, standardizing forms used by insurance companies for medical benefits claims.

HB 353, relative to the police commission in the town of Conway.

HB 462, relative to the victims assistance fund.

HB 494, establishing a joint committee on recodification of solid waste laws.

HB 669, transferring the right to appeal in certain cases from a decision of the labor commissioner on workers' compensation from the superior court to the compensation appeals board.

SB 31, repealing sections referring to the loyalty oath requirement which was repealed last year.

SB 44, adding to the membership of the emergency shelter commission and the Christa McAuliffe planetarium commission.

SB 81, creating a task force to coordinate resources addressing sexual assault and sexual harassment at postsecondary institutions.

SB 121, nullifying the law which amends RSA 457:29 relative to marriage license fees effective July 1, 1994, and raising the fee for marriage licenses.

SB 132, relative to the Revised Statutes Annotated, and creating a committee to study the rulemaking process.

SB 134, establishing a committee to study the need for reasonable standards and procedures for contracting services by the state.

SB 217, clarifying the laws relative to guardianship and expanding a guardian's powers.

Sen. Currier, Rep. Elizabeth Moore
for the Committee

RECESS
 (Rep. Gilmore in the Chair)
 ENROLLED BILLS REPORT

HB 102, changing the penalty for DWI and boating while intoxicated while transporting a person under the age of 16.

HB 110, relative to use and derivative use immunity.

HB 128, relative to the penalty for falsifying applications and to the fee for picture identification cards.

HB 238, authorizing a member of a cooperative school district to serve on a town budget committee.

HB 290, establishing priority of real estate tax liens.

HB 363, exempting certain nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from obtaining such license in this state.

HB 522, relative to the observance of Memorial Day.

HB 560, changing procedures regarding appointment of guardians of minors.

HB 645, repealing a provision requiring approval by the superior court of rules adopted by the board of tax and land appeals, increasing a filing fee charged by the board; and relative to the effect of an abatement appeal on subsequent taxes.

SB 185, allowing the director of the division of human services to reorganize the rules of the medical assistance program.

Rep. Dunn for the Committee

Rep. Welch moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 24

Tuesday, May 11, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, God of all the universes, Who would weave out of heaven and earth a single government of peace, we confess that all too often our service has been limited to charity and our peacemaking to pronouncements. And so we pray, O, Lord of life, that You would liberate our spirits, unleash our imaginations, and transform our hearts so that through the quality of our work and relationships we may announce a world in which the lion shall lay down with the lamb and justice shall roll forth like an everlasting stream. Amen.

Rep. Richard Campbell led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Record, Katherin Pratt, Pepino, Musler, Palmer, Mason and Gross, the day, illness.

Reps. Peters, Douglass, Beach, Stone, Weergang, Terninko, Newman, Hanselman, Paul White, Crum, Lucien Bergeron, Stapleton, Horton, Robert Foster, Groves, Thomas Cain, Richards, Holley, Fesh, Lionel Johnson, Borsa, Ham and David Young, the day, important business.

Rep. Clemons, the day, illness in the family.

INTRODUCTION OF GUESTS

Paul and Micheleen Bagley and Cecil Coy, parents and grandmother of Rep. Bagley. William Arnold, Susan Arnold and Gayle Santa, husband and daughters of Rep. Barbara Arnold. The fourth grade classes of Miss Hall and Mrs. Lenahan from the Mountain View school in Goffstown, guests of the Goffstown Delegation. Dwight Smith, son of Rep. Edwin Smith.

GUESTS ON THE ROSTRUM

Miss Rachel Alice Petz, Miss New Hampshire of 1992, guest of the House. Lord and Lady Henniker of England, guests of Reps. French and Braiterman

ENROLLED BILLS AMENDMENTS

SB 48, relative to the children's trust fund. (Amendment printed SJ 17, 5/11/93)

Adopted.

SB 55, relative to accident and health insurance and health maintenance organizations. (Amendment printed SJ 17, 5/11/93)

Adopted.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 565, prohibiting hazing. (Amendment printed SJ 16, 4/27/93)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 469-A, allowing the state treasurer to issue bonds to pay for debt issuance costs. (Amendment printed SJ 16, 4/27/93)

Rep. Kathleen Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. John Sytek, Gosselin, Langer and Ferguson.

HB 407, making technical changes to the laws governing the courts. (Amendment printed SJ 15, 4/20/93)

Rep. Lown moved that the House concur.

Adopted.

HB 216, allowing owners of homes destroyed by natural disaster to place temporary manufactured housing the lot while the home is being rebuilt. (Amendment printed SJ 16, 4/27/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 332, authorizing municipalities to create revolving funds to support public recreation parks. (Amendment printed SJ 15, 4/20/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 671, increasing the term of a resident's license to carry loaded pistols and revolvers. (Amendment printed SJ 16, 4/27/93)

Rep. Welch moved that the House concur.

Adopted.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users. (Amendment printed SJ 16, 4/27/93)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Laflam, Conroy, Merritt and Dickinson

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Jasper moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

SB 164-FN, relative to the OHRV fund. OUGHT TO PASS WITH AMENDMENT

Rep. Merle W. Schotanus for Appropriations: This bill as amended by the Appropriations Committee sets the formula for establishing the amount, and disbursing unrefunded road tolls to the Bureau of Off-Highway Recreational Vehicles for the grants-in-aid program and general operating expenses. Vote 19-0.

Amendment (2637B)

Amend the bill by replacing section 1 with the following:

1 Amount to be Transferred for OHRV Grant Programs. Amend RSA 260:61, I to read as follows:

I. Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed OHRVs for the previous year times [\$4.50] *the average number of gallons consumed per year per OHRV times the gasoline road toll imposed under RSA 260:32*, less any amount refunded for OHRV use for the previous year, to the OHRV bureau. *For the purposes of this section, "the average number of gallons consumed per year per OHRV" is 50.* The OHRV bureau shall use 66-2/3 percent of the amount credited for grants under its grant-in-aid program, and 33-1/3 percent for general operating expenses and expenses incurred in administering and supervising the grant-in-aid program. Any balances in the funds hereby transferred shall not lapse at the end of the fiscal year but shall remain in the OHRV fund.

AMENDED ANALYSIS

This bill increases the amount of money transferred from road tolls collected to the OHRV fund from \$4.50 times the number of licensed OHRV's to the number of licensed OHRV's times the average amount of gasoline consumed per year per OHRV times the amount of the gasoline road toll.

This bill also provides that any ATV with an engine size of 90 cubic centimeters or less need not be equipped with working headlights and brake lights.

SB 2-FN, redesignating a portion of New Hampshire Route 51 as New Hampshire Route 101. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Cloutier for Public Works: The committee agreed that by redesignating a portion of Route 51 to Route 101 we would eliminate motorist confusion and some traffic congestion in

the towns of Stratham, Exeter and Hampton. Also, since the eventual expansion of Route 101 to four lanes will include Route 51, this redesignation is practical. The Department of Transportation supports the bill, and will renumber the current portion of Route 101 which will be affected by the redesignation. The DOT estimates a total cost of \$20,000 for manufacture and erection of new signs. Vote 16-1.

Amendment (2668B)

Amend the bill by replacing section 1 with the following:

1 Redesignating Route 101. Pursuant to RSA 4:43, New Hampshire Route 51 running from New Hampshire Routes 108 and 101 in the town of Stratham, for approximately 10 miles, through the towns of Stratham, Exeter and Hampton to its intersection with New Hampshire Route 1A in the town of Hampton, is hereby redesignated as Route 101, upon completion of the New Hampshire Route 51 improvements between I-95 and the intersection of New Hampshire Routes 101 and 108 in the town of Stratham. Signs shall be built and installed designating this route change during the construction of this section of New Hampshire Route 51. Following the change, the department of transportation shall redesignate the current New Hampshire Route 101 a numbered state highway.

SB 166, requiring the department of transportation to continue with the Hillsborough reconstruction bypass project. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Chandler for Public Works: The committee acknowledges the remarkable local support for this important project, which is currently on schedule. There do not appear to be any substantial environmental problems and the public hearing on the EIS is planned for December 1993, and permits could be in hand by the summer of 1994. Passage of this bill would not expedite this part of the process. More importantly, however, the 10-year plan (Chapter 381 (HB 784, Laws of 1991) is underway, and legislative hearings will be held during the 1994 session at which time priorities will be addressed by the Legislature within the context of the entire plan. Vote 17-0.

REGULAR CALENDAR

SB 35-FN-A, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services and making an appropriation therefor. **ought to PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: The amendment makes this bill identical to HB 504 which already has passed the House. The sponsors of both bills agree that vocational rehabilitation funds should not be used for the funding of organ transplants. The remaining difference is over whether the Department of Health and Human Services should begin such a program for those not eligible for Medicaid. As amended, this bill will not cost the state any money, but will free up \$300,000 for vocational rehab services for some of more than 3,000 individuals currently on waiting lists. Vote 18-3.

Amendment (2653B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to organ transplants.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that the division of vocational rehabilitation has the responsibility to administer many programs related to disabled or injured persons and that its original function was not intended to cover the medical costs for persons with acute illnesses which are rapidly progressive and require intensive hospitalization or surgery including, but not limited to, organ or bone marrow transplantation. Therefore, the general court hereby declares that the division of vocational rehabilitation shall no longer fund these medical services.

2 Organ and Bone Marrow Transplantations Not Included. The division of vocational rehabilitation, department of education shall not fund or assist in the funding of intensive hospitalization or surgery including, but not limited to, organ or bone marrow transplantations.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill declares that the division of vocational rehabilitation, department of education, shall no longer fund organ transplants.

Adopted.

Report adopted and ordered to third reading.

SB 93-FN-A, relative to the National Science Foundation's statewide systemic initiatives program and making an appropriation therefor. OUGHT TO PASS

Rep. Jacquelyn M. Domaingue for Appropriations: The annual appropriation of \$300,000 in general funds is necessary to enable New Hampshire to compete successfully for a 10 million dollar grant from the National Science Foundation. This grant money, if obtained, gives much-needed funding that will ultimately improve science and mathematics programs statewide. The Committee recognizes the critical importance of these two fields to the future economic well-being of New Hampshire, and supports the expenditure of \$300,000 in an effort to gain a 10 million dollar investment. Vote 17-1.

Adopted and ordered to third reading.

SB 137-FN-L, requiring municipalities to pay back to the state 50 percent of the moneys given to the municipalities as school building aid if the municipalities decide to use the buildings for purposes other than educational purposes. INEXPEDIENT TO LEGISLATE

Rep. Charles W. Ferguson for Appropriations: From testimony, it was found that this was a local issue bill which only affected one community. The Senate amendment effectively eliminated that community from consideration under the bill, making the bill moot. Vote 14-2.

Adopted.

SB 141-FN-A, removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Appropriations: This Senate bill has been amended to establish a study committee to study long-term needs for correctional facilities and providing for the design of the Governors State Park on Lake Winnisquam. Appropriations in the bill are \$100,000 for Corrections Study and \$25,000 for planning and development of the park. Vote 19-0.

Amendment (2652B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing joint corrections study and an advisory study committee and authorizing the hiring of a private consultant or consultants to study the long-term needs for correctional facilities in New Hampshire, providing for design of the governors state park, and making appropriations therefor.

Amend paragraph III of section 2 of the bill by replacing it with the following:

III. Conduct a search for sites and buildings that may be suitable for department of corrections operations, with priority given to state-owned buildings and property, to determine their availability and suitability for the space needs identified in paragraph I of this section. This aspect of the study should also consider the utility of cooperative agreements between the county and state correctional systems.

Amend the bill by replacing section 6 with the following:

6 Appropriation.

I. The sum of \$100,000 is hereby appropriated for the biennium ending June 30, 1995, to the joint corrections study committee established in section 3 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$25,000 is hereby appropriated for the biennium ending June 30, 1995, to the department of resources and economic development for the planning and development of governors state park. The department is authorized to receive gifts, grants or donations for this purpose. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

SB 156-FN-A, relative to the Portsmouth Naval Shipyard and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Merle W. Schotanus for Appropriations: After much discussion, the Appropriations Committee decided by a very narrow margin that appropriating \$50,000 to support political lobbying efforts to keep the Portsmouth Naval Shipyard off the federal base closure list is an unwise use of New Hampshire's limited financial resources. Vote 11-10.

Rep. Syracuse moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Channing Brown spoke against and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 140**NAYS 209****YEAS 140****BELKNAP**

Rice, Thomas, Jr.

CARROLL

Lyman, L. Randy

Philbrick, Donald

Wiggin, Gordon

CHESHIRE

Burnham, Daniel
Kingsbury, H. Thayer
Riley, William

Champagne, Richard
Lynch, Margaret
Russell, Ronald

Cole, Stacey
McGuirk, Paul

DePecol, Benjamin
Pratt, Irene

COOS

Coulombe, Henry
Pratt, Leighton

Hawkinson, Marie
Wiswell, James

Mayhew, Josephine

Mears, Edgar

GRAFTON

Copenhaver, Marion
McIlwaine, Deborah

Crory, Elizabeth

Hill, Richard

Larson, Nils, Jr.

HILLSBOROUGH

Ahern, Richard
Cepaitis, Elizabeth
Drabinowicz, A. Theresa
Haettenschwiller, Alphonse
Lefebvre, Roland
Mittelman, David
Philbrook, Paula
Toomey, Kathryn

Ahrens, Frederick
Cote, David
Fenton, James
Jean, Claudette
Lessard, Rudy
Morrissette, Roland
Plourde, Alphonse
Turgeon, Roland

Asselin, Robert
Crotty, Edward
Gage, Ruth
Kirby, Thomas
Mercer, Robert
O'Rourke, Joanne
Reidy, Frank
White, John

Buckley, Raymond
Donovan, Francis
Gervais, Glen
Laughlin, J. Francis
Milligan, Robert
Perkins, Paul
Soucy, Donna

MERRIMACK

Daneault, Gabriel
Johnson, Joyce May
Trombly, Rick

Dunn, Miriam
Moore, Carol
Yeaton, Charles

French, Barbara
Rogers, Katherine

Houlahan, Thomas
Soldati, Jennifer

ROCKINGHAM

Arndt, Janet
Caswell, Albert, Jr.
Clark, Vivian
DiPietro, Carmela
Gargiulo, Louis
Klemarczyk, Thaddeus
McKinney, Betsy
Putnam, Ed, II
Skinner, Patricia
Stritch, C. Donald
Woods, Deborah

Battles, Marjorie
Chester, Sherman
Coes, Betsy
Drake, Herbert
Hemenway, Thomas
Lovejoy, Marian
Moore, Benjamin
Ritzo, Eugene
Smith, Arthur
Syracusa, Anthony
Yennaco, Carol

Bell, Juanita
Christie, Andrew, Jr.
Crossman, Harold, Jr.
Felch, Charles, Sr.
Hurst, Sharleene
Malcolm, Kenneth
O'Keefe, Patricia
Rosencrantz, James
Splaine, James
Vaughn, Charles

Campbell, Marilyn
Clark, Martha
Crum, William, Jr.
Flanders, David
Kane, Cecelia
McGovern, Cynthia
Pantelakos, Laura
Senter, Merilyn
St. Martin, Tommy
Weyler, Kenneth

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Chagnon, Ronald
Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine
Hemon, Roland	Hilliard, Dana	Kincaid, William	Knowles, William
Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory	Merritt, Deborah
Nehring, William	O'Brien, John	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Sullivan, Henry	Torr, Ann	Torr, Franklin
Vincent, Francis	Wasson, Richard	Wheeler, Katherine	

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon
Holl, Ann			

NAYS 209**BELKNAP**

Bartlett, Gordon	Campbell, Richard, Jr.	Hauck, William	Hawkins, Robert
Holbrook, Robert	Johnson, Carl	Lafam, Robert	Lawton, David
Rosen, Ralph	Salatiello, Thomas	Smith, Linda	Turner, Robert
Ziegra, Alice			

CARROLL

Allard, Nanci	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Mock, Henry	Saunders, Howard	Wiggan, Allen

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Delano, Robert	Foster, Katherine
Hunt, John	Manning, Joseph	McNamara, Wanda	Metzger, Katherine
Pearson, Gertrude	Perry, David	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Smith, Edwin		

COOS

Bradley, Paula	Foss, Frederic	Guay, Lawrence	Harwell, Tyler
Merrill, Gerald			

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Brown, Patricia	Chase, Paul, Jr.	Driscoll, William
Eaton, Stephanie	Gordon, Edward	Guest, Robert	LaMott, Paul
Nordgren, Sharon	Rose, William	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Ackerman, Philip	Allen, W. Gordon	Amidon, Eleanor	Andrews, Frederick
Arnold, Barbara	Arnold, Thomas, Jr.	Bagley, Amy	Bergeron, Normand
Bowers, Dorothy	Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert
Cowenhoven, Garret	Daigle, Robert	Daniels, Gary	Desrosiers, William
Dodge, Emma	Domaingue, Jacquelyn	Drolet, Paul	Durham, Susan
Dykstra, Leona	Eliades, George	Ferguson, Charles	Fields, Dennis
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Gosselin, Gerald
Greenberg, Gary	Hall, Betty	Hart, Nick	Healy, Daniel
Holden, Carol	Holt, David	Hunter, Bruce	Jasper, Shawn
Jean, Loren	Kelley, Dana	Kelley, Robert	Kurk, Neal
L'Heureux, Robert	Lachut, Ervin	Lown, Elizabeth	Lozeau, Donnalee
Martin, Mary Ellen	McCann, Bonnie	McCarty, Winston	McNerney, Daniel
McRae, Karen	Messier, Irene	Moncrief, Keith	Moore, Elizabeth
Morello, Michael	Murphy, Robert	Nardi, Theodora	Packard, Bonnie
Paquette, Rodolphe	Rheault, Lillian	Riley, Frances	Rodgers, G. Philip

Rothhaus, Finlay
Smith, Leonard
Vanderlosk, Stanley

Sallada, Roland
Soucy, Richard
Wells, Peter, Sr.

Sargent, Maxwell
Tate, Joan
Wheeler, Robert

Searles, Stanley, Sr.
Upton, Barbara
Wright, George

MERRIMACK

Apple, Lowell
Carter, Susan
Fillion, Paul
Holmes, Mary
Langer, Ray
Owen, Derek
Teague, Bert

Barberia, Richard
Chandler, Earle
Gilbreth, Robert
Johnson, C. William
Lockwood, Robert
Pfaff, Terence
Whalley, Michael

Braiterman, Thea
Chandler, John
Hall, Douglas
Kennedy, Richard
Newland, Matthew
Regan, Maurice
Whittemore, James

Buessing, Marjorie
Feuerstein, Martin
Hill, Michael
Kidder, William
Nichols, Avis
Shaw, Randall
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Dowling, Patricia
Gage, Beverly
Johnson, Robert
Kruse, Fred
Packard, Sherman
Simon, Peter
Welch, David

Beaulieu, Jon
Conroy, Janet
Dube, LeRoy
Gorman, Donald
Katsakiores, George
Lee, Rebecca
Pullman, Robert
Sytek, Donna
Williamson, William

Blake, Daniel
Cote, Patricia
Flanagan, Natalie
Hutchinson, Karen
Katsakiores, Phyllis
Miller, Don
Raynowska, Bernard
Sytek, John

Boucher, William
Dowd, Sandra
Flanders, John, Sr.
Johnson, Bill
Klemm, Arthur, Jr.
Noyes, Richard
Rubin, George
Warburton, Calvin

STRAFFORD

Keans, Sandra
Pageotte, Donald

Loder, Suzanne
Spear, Barbara

McKinley, Robert
Torr, Ralph

Merrill, Amanda
Wall, Janet

SULLIVAN

Behrens, Thomas
Peyron, Fredrik

Domini, Irene
Rodeschin, Beverly

Kane, Joan
Schotanus, Merle

Lindblade, Eric
Stamatakis, Carol

and the motion failed.

Report adopted.

Rep. Nordgren notified the Clerk that she voted nay and intended to vote yea.

SB 207-FN, relative to work incentives for families receiving Aid to Families with Dependent Children. **OUGHT TO PASS WITH AMENDMENT**

Rep. Douglas E. Hall for Appropriations: While the waiver request proposed by this bill is to be designed to be cost neutral, there were questions regarding the fiscal note estimates. The committee's amendment requires the waiver request to be submitted to the Fiscal Committee as well as the federal government. Even if the federal government approved the waiver, the Fiscal Committee could reject implementation of the revisions to the AFDC program. With this change, the Legislature should be more assured that the waiver, if granted, is in the best interest of the state. Vote 17-4.

Amendment (2651B)

Amend the bill by inserting after section 4 the following and renumbering section 5 to read as 6:

5 Final Approval. The director of the division of human services shall submit a copy of the application for a federal waiver to the legislative fiscal committee. If the waiver is granted, then the committee shall approve or veto implementation of the demonstration project.

AMENDED ANALYSIS

This bill requires the director of the division of human services to seek a federal waiver to develop a targeted AFDC work incentive demonstration project that allows families attempting to enter the workforce who have modest amounts of earned income to remain eligible for Medicaid and a partial AFDC grant.

This bill also requires the director to submit a copy of the waiver to the legislative fiscal committee. If the federal waiver is granted, the committee shall approve or veto implementation of the demonstration project.

Adopted.

Report adopted and ordered to third reading.

SB 241-FN-A, increasing the cap on the continually-appropriated revolving fund for educational publications. OUGHT TO PASS

Rep. Frances L. Riley for Appropriations: The Committee determined that increasing the cap on the printed materials revolving fund from \$10,000 to \$25,000 would allow the departments of Education and Administrative Services adequately to cover the increased costs of their publications and training. The continually-appropriated revolving fund would have no fiscal impact on revenues and would not require general fund appropriation. This is self-funding, and any excess over the cap is to be deposited in the general fund. Vote 16-2.

Adopted and ordered to third reading.

SB 87, relative to capital investment, venture capital, capital access and the business finance authority and capital formation; and relative to ambulatory care clinics. OUGHT TO PASS WITH AMENDMENT

Rep. Fredrik Peyron for Economic Development: SB 87 modifies the Business Finance Authority legislation under RSA 162 and expands existing functions to include much needed clarification and flexibility to enhance economic development in the state. SB 87 also deals with ambulatory care clinics and makes them, at no cost to the state, able to obtain funding through bonding or mortgaging. Vote 16-0.

Amendment (2666B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to capital access and the business finance authority and capital formation; and relative to ambulatory care clinics.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court in 1992, 262, codified as RSA 162-A, continued, expanded and modified the existing structure and powers of the industrial development authority, including renaming the agency the business finance authority, to empower the agency to implement more directly and with state resources economic development and credit enhancement measures. During the implementation of the new law, several modifications and amendments have become necessary to better and more fully implement the provisions of RSA 162-A. The general court finds that such modifications and amendments are integral parts of the original legislation and advance and serve a public purpose.

2 Reference Addition. Amend RSA 162-A:3 to read as follows:

162-A:3 Authority Created. There is hereby created the business finance authority, *formerly operating and known as the industrial development authority*, which shall be a body corporate and politic as an agency of the state having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by the legislature.

3 New Section; Administrative Officers. Amend RSA 162-A by inserting after section 5 the following new section:

162-A:5-a Administrative Officers; Compensation. The board shall appoint an executive director, a senior credit officer, a chief financial officer, and other personnel determined by the board to be necessary to carry out the purposes of this chapter. The executive director, the senior credit officer, and the chief financial officer shall serve at the pleasure of the board and shall be qualified by reason of professional competence, education, and experience.

4 New Paragraphs; Equity and Debt Securities; Hedging Transactions. Amend RSA 162-A:6 by inserting after paragraph XXIII the following new paragraphs:

XXIV. Acquire, invest in, pledge, or hold debt securities issued with respect to any transaction pursuant to this chapter.

XXV. Enter into contracts to place the investments, loans, or bonds of the authority on such interest rate or cash flow basis as the authority may determine desirable, including without limitation, contracts providing for interest rate exchanges, caps, floors, collars, options, puts, calls and other hedging transactions.

5 Loans Added. Amend RSA 162-A:7, I-IV to read as follows:

I. The authority may expend *or loan* money upon such terms and conditions as prescribed by the authority to acquire, develop, redevelop, construct, renovate, or expand real *or personal* property for business use. [Any such real property shall be owned either by the authority or by a local development organization.] No expenditure *or loan* shall be made by the authority under this section unless it is with the approval of, or in cooperation with, a local development organization.

II. Prior to the expenditure *or loan* of any money under this section [for property to be owned by a local development organization], the authority shall enter into one or more agreements with such organization to provide for the conditions on which the expenditures *or loans* will be made, the terms of repayment of such expenditure *or loan*, the time and manner of such repayment, conditions under which the property is to be used by or leased to one or more businesses, the form and amount of security if any, to be pledged to the authority for such repayment, and such other provisions as the authority may determine are necessary or desirable. Repayment of any expenditure *or loan* made by the authority may be with or without interest and may take the form of cash, *real or personal* property, or services.

III. Any property acquired, developed, redeveloped, constructed, renovated, or [expended] *expanded* under this section may be leased by the authority or the local development organization, as appropriate, for business use, and under such terms and conditions as they shall deem appropriate. Any such lease may include options of the lessee to purchase the property, provided that the purchase price upon the exercise of any such option shall not be less than the amount necessary to reimburse the authority, with interest if applicable, for any unpaid balance of expenditures made by the authority for such property. Any lease shall obligate the lessee to pay all costs and expenses of upkeep, maintenance and operation of the property during the lease term.

IV. The authority shall not expend *or loan* any money or make a binding commitment to spend any money for a particular project under this section unless after a hearing the governor and council have made the findings specified in RSA 162-A:18.

6 Collection Expenses and Costs Added. Amend RSA 162-A:8, I to read as follows:

I. Upon recommendation of the authority for the proper implementation of the declared purposes of this chapter, the governor and council may award a state guarantee of the principal of [and], interest on *and related reasonable collection expenses and costs of* any loan made by a private financial institution to any business that is or will be operating in the state, provided that the loan is also guaranteed in part under a program administered by the United States Small Business Administration. Such state guarantee [shall] *may* be up to 90 percent of the portion of the loan not guaranteed through the United States Small Business Administration. *The authority may execute and deliver any agreement or document required by the United States Small Business Administration to implement the guarantee program authorized in this section.* The full faith and credit of the state [shall] may be pledged for any such guarantee, but the total outstanding amount guaranteed by the state under this section [and RSA 162-A:10, III] shall not exceed in the aggregate at any time [\$20,000,000] *\$40,000,000.* [plus] *In addition, the guarantee shall also include interest and related reasonable collection expenses and costs* and shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded.

7 Minimum Requirements Modified. RSA 162-A:8, III is repealed and reenacted to read as follows:

III. The sum of the guarantees issued to any one borrower by both the authority and the United States Small Business Administration shall not exceed \$1,500,000 of principal. The total principal amount of any loan or loans guaranteed under this section made to one borrower to finance working capital shall not exceed \$1,500,000. In addition, the guarantee shall also include interest and related reasonable collection costs and expenses.

8 Costs Added. Amend RSA 162-A:10, III to read as follows:

III. In order to facilitate the resale of loans acquired under this section the governor and council, at the request of the authority, may award a state guarantee of up to 90 percent of the principal of [and] *such loans. In addition, the guarantee shall also include* interest on *and related reasonable collection expenses and costs* of such loans. The full faith and credit of the state [shall] may be pledged for such guarantee, but the total amount guaranteed by the state

under this section [shall be subject to the limit specified in RSA 162-A:8, I and] ***shall not exceed in the aggregate at any time \$40,000,000. In addition, the total amount guaranteed shall also include interest and related reasonable collection expenses and costs and*** shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The state's guarantee of loans under this section shall be evidenced by a guarantee agreement between the state and the purchaser of the loans. Such guarantee agreement shall be assignable to any subsequent purchaser or purchasers of the loans and shall contain such provisions as the authority and the governor and council may deem appropriate. Any guarantee agreement authorized in accordance with this section shall be executed on behalf of the state by the chairman, vice chairman, or executive director of the authority. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of money in the state treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The amount of any guarantee awarded under this section shall be reduced in proportion to any reduction in the principal balance of the loan.

9 Costs Added. Amend RSA 162-A:13, I to read as follows:

I. Upon recommendation of the authority for the proper implementation of the declared purposes of this chapter, the governor and council may award a state guarantee of the principal of [and], ***such loans. In addition, the guarantee shall also include interest on and related reasonable collection expenses and costs of*** any loan made to a business that is or will be operating in the state[, provided that the loan does not qualify for a state guarantee under RSA 162-A:8]. Such state guarantee shall not at any time exceed 90 percent of the principal of ***such loan. In addition, the guarantee shall also include interest on and related reasonable collection expenses and costs of*** the loan [plus interest thereon]. The full faith and credit of the state shall be pledged for any such guarantee, but the total outstanding amount of ***principal*** guaranteed by the state under this section shall not exceed in the aggregate at any time [\$20,000,000] ***\$40,000,000.*** [plus] ***In addition, the guarantee shall also include interest and related reasonable collection expenses and costs*** and shall not cause the contingent credit limit of RSA 162-A:22 to be exceeded.

10 Appraisal and Certification. RSA 162-A:13, III(a) and (b) are repealed and reenacted to read as follows:

(a) The authority shall have received an appraisal of an independent party which shall state that the appraised fair market value equals or exceeds 125 percent of the total debt secured by the property.

(b) The authority shall have received a certification from the lender and the borrower which shall state that no more than 40 percent of the total principal amount of the loan shall be used to finance working capital.

11 Principal Reduction. Amend RSA 162-A:13, III(d) to read as follows:

(d) After the project has been placed in service, the principal balance of the loan shall be scheduled to be reduced annually by an amount equal to not less than [6] 5 percent of the original principal amount of the loan, provided that in connection with any renewal of a loan such principal reduction shall not be required.

12 Expenses of Authority. Amend RSA 162-A:21 to read as follows:

162-A:21 Revenues and Expenses of Authority. The revenues received by and due to the authority from any and all sources under this chapter and RSA 162-I shall be retained by the authority and shall be used in such manner as may be determined by the authority consistent with the provisions of this chapter. ***The authority may expend said funds in connection with transactions and projects consummated or reasonably expected to be consummated under the provisions of this chapter and RSA 162-I as it shall determine in its sole discretion.*** It is the intent of the legislature that the authority be self-funding and that payment of its operating expenses shall not require state appropriation.

13 Definition of Local Development Organization Clarified. Amend RSA 162-A:2, XII to read as follows:

XII. "Local development organization" means any local or regional development agency, authority, corporation, association, foundation or other entity, regardless of the name or manner of organization, provided it shall have as a principal function the promotion, encouragement, or development of business. ***The term "local development organization" shall include a town, city***

or county if such town, city or county has published written procedures for participating in economic development activities through the loaning of funds or the enhancement of credit.

14 Management; Business Finance Authority. Amend RSA 162-A:4, I to read as follows:

I. The management of the authority shall be vested in a board of 14 directors, who shall serve without compensation. The governor, with the consent of the council, shall appoint 9 members of the board, who shall include an executive director of a regional planning commission and one elected or appointed local official. The governor shall designate one of the board members as chairman. Each board member appointed by the governor shall hold office for 3 years, or until his successor has been appointed. The state treasurer shall serve as a nonvoting ex officio member of the board. In addition, 2 members of the house of representatives, and 2 members of the senate, who shall be appointed by the speaker of the house of representatives, and 2 members of the senate, who shall be appointed by the president of the senate, shall serve as [nonvoting] *voting* members of the board. ***The 2 senate members shall share one vote and the 2 house members shall share one vote.*** A director serving as a member of the house of representatives or as a member of the senate shall serve for a term ending when the general court dissolves. ***The legislative membership shall not affect quorum requirements of the board.***

15 Unified Contingent Credit Limit. Amend RSA 162-A:22 to read as follows:

162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:17, and RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus interest, provided that such amount shall be increased to [\$65,000,000] ***\$80,000,000*** plus interest on January 1, 1993, [to \$80,000,000 plus interest on January 1, 1994,] and to \$95,000,000 plus interest on January 1, [1995] ***1994.***

16 Industrial Authority. Amend RSA 162-I:2, VII to read as follows:

VII.(a) "Industrial facility" shall be an eligible facility and means any facility which shall be suitable for any of, or any combination of, the following activities, uses or purposes:

[(a)](1) Manufacturing, processing, assembling or warehousing goods or materials for sale or distribution, but shall not include raw materials, work in process or stock in trade.

[(b)](2) The conduct of research and development activities.

[(c)](3) Use as the national or regional headquarters for a multi-state business enterprise.

[(d)](4) Collecting or processing any kind of waste material for reuse or disposal or for converting any kind of waste material or derivative of any waste material, whether by itself or in combination with other material, into other products of any kind, including steam and electricity.

[(e)](5) Reducing, mitigating or eliminating pollution of land, air or water by substances, heat or sound.

(b) "Industrial facility" shall also include any facility described in Section 142(a) of the Internal Revenue Code of 1986 as in effect on July 1, 1993, other than residential rental projects.

17 New Subparagraph; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (f) the following new subparagraph:

(g) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.

18 Ambulatory Care Clinics Added to Definition of "Participating Health Care Institution." Amend RSA 195-D:3, VIII to read as follows:

VIII. "Participating health care institution" means a hospital, [or] nursing home, [or] health maintenance organization [or], home health care provider, ***or ambulatory care clinic*** which, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of bonds or other obligations or of a mortgage or of advances as provided in and permitted by this chapter.

19 New Paragraph; Definition of "Ambulatory Care Clinic." Amend RSA 195-D:3 by inserting after paragraph XVII the following new paragraph:

XVII. "Ambulatory care clinic" means any nonprofit or charitable institution or organization, public or private, which is exempt from federal taxation pursuant to section 501 of the United States Internal Revenue Code of 1986 as amended, and which is engaged in the operation of, or formed for the purpose of operating, an ambulatory health care facility in which health

care services are offered to the public on an outpatient basis by or under the direction of physicians licensed by the state of New Hampshire and licensed health care professionals.

20 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Clarifies the duties and activities of the business finance authority. Specifically, the bill makes it clear that the authority may make loans and that the state guarantee includes collection expenses and costs related to any loan. The bill also increases the ceiling on state guaranteed loans from \$20,000,000 to \$40,000,000.

(2) Allows ambulatory care clinics to be participating institutions under the law relative to the New Hampshire higher educational and health facilities authority, and adds ambulatory care clinics to the facilities covered under the laws relative to the higher educational building corporation.

Adopted.

Rep. Rose offered a floor amendment.

Floor Amendment (2704B)

Amend the bill by replacing section 20 with the following:

20 Collection Expenses and Costs Added. Amend RSA 162-A:8, I to read as follows:

I. Upon recommendation of the authority for the proper implementation of the declared purposes of this chapter, the governor and council may award a state guarantee of the principal of, interest on and related reasonable collection expenses and costs of any loan made by a private financial institution to any business that is or will be operating in the state, provided that the loan is also guaranteed in part under a program administered by the United States Small Business Administration. Such state guarantee may be up to 90 percent of the portion of the loan not guaranteed through the United States Small Business Administration. The authority may execute and deliver any agreement or document required by the United States Small Business Administration to implement the guarantee program authorized in this section. The full faith and credit of the state may be pledged for any such guarantee, but the total outstanding amount guaranteed by the state under this section shall not exceed in the aggregate at any time [\$40,000,000] **\$20,000,000**. In addition, the guarantee shall also include interest and related reasonable collection expenses and costs and shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded.

21 Costs Added. Amend RSA 162-A:10, III to read as follows:

III. In order to facilitate the resale of loans acquired under this section the governor and council, at the request of the authority, may award a state guarantee of up to 90 percent of the principal of such loans. In addition, the guarantee shall also include interest on and related reasonable collection expenses and costs of such loans. The full faith and credit of the state may be pledged for such guarantee, but the total amount guaranteed by the state under this section shall not exceed in the aggregate at any time [\$40,000,000] **\$20,000,000**. In addition, the total amount guaranteed shall also include interest and related reasonable collection expenses and costs and shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The state's guarantee of loans under this section shall be evidenced by a guarantee agreement between the state and the purchaser of the loans. Such guarantee agreement shall be assignable to any subsequent purchaser or purchasers of the loans and shall contain such provisions as the authority and the governor and council may deem appropriate. Any guarantee agreement authorized in accordance with this section shall be executed on behalf of the state by the chairman, vice chairman, or executive director of the authority. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of money in the state treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The amount of any guarantee awarded under this section shall be reduced in proportion to any reduction in the principal balance of the loan.

22 Costs Added. Amend RSA 162-A:13, I to read as follows:

I. Upon recommendation of the authority for the proper implementation of the declared purposes of this chapter, the governor and council may award a state guarantee of the principal of such loans. In addition, the guarantee shall also include interest on and related reasonable collec-

tion expenses and costs of any loan made to a business that is or will be operating in the state. Such state guarantee shall not at any time exceed 90 percent of the principal of such loan. In addition, the guarantee shall also include interest on and related reasonable collection expenses and costs of the loan. The full faith and credit of the state shall be pledged for any such guarantee, but the total outstanding amount guaranteed by the state under this section shall not exceed in the aggregate at any time [\$40,000,000] **\$20,000,000**. In addition, the guarantee shall also include interest and related reasonable collection expenses and costs and shall not cause the contingent credit limit of RSA 162-A:22 to be exceeded.

23 Effective Date.

I. Sections 20-22 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(1) Clarifies the duties and activities of the business finance authority. Specifically, the bill makes it clear that the authority may make loans and that the state guarantee includes collection expenses and costs related to any loan. The bill also increases the ceiling on state guaranteed loans from \$20,000,000 to \$40,000,000 for a 7 year period.

(2) Allows ambulatory care clinics to be participating institutions under the law relative to the New Hampshire higher educational and health facilities authority, and adds ambulatory care clinics to the facilities covered under the laws relative to the higher educational building corporation.

Rep. Rose spoke in favor and yielded to questions.

Rep. Burling spoke against.

The floor amendment failed.

Rep. Kurk spoke against the amended Committee report and yielded to questions.

Rep. Burling spoke in favor.

Report adopted and ordered to third reading.

SB 94, relative to workforce development, making an appropriation to the department of post-secondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Trelfa for Economic Development: SB 94 authorizes and funds start-up costs for the biennium a technical college pilot program in Haverhill along with an appropriate review committee as an outgrowth of the study carried out under Chapter 260, SB 393, Part (II), Laws of 1992. SB 94 also establishes a customized job training program by offering training assistance on a matching grant basis to privately owned businesses and industries to implement new technologies, create new jobs and to retain and upgrade existing jobs. In addition, SB 94 reserves in principle a non-specific acreage at Pease for potential use as site for the Technology Research Park. Vote 14-0.

Amendment (2650B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to workforce development, making an appropriation to support a pilot satellite program in Haverhill, establishing a job training program and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that the development of human resources will become more important to prosperity and growth in the future than in the past. The rapid pace of technological changes will require a highly trained and skilled workforce thereby placing unprecedented demands on public educational institutions and programs. Therefore, the general court hereby adopts this act to further the development of human resources required to further the productivity of labor.

2 Purpose; Support of Pilot Satellite Program.

I. Technical college education is vitally important for economic development in New Hampshire, and it is essential that rural areas be served. This act provides increased postsecondary technical educational opportunities to residents of northern Grafton county by supporting a satellite office in Haverhill affiliated with the Berlin technical college. This program will serve as a pilot education and economic development project for other underserved areas of the state.

II. The state will support the Berlin technical college in establishing an office and providing a part-time local coordinator to administer a pilot satellite program in Haverhill which will provide postsecondary technical educational opportunities for residents of this geographic region.

3 Administration. This pilot satellite postsecondary technical program shall be administered by the board of governors, department of postsecondary technical education.

4 Federal Funds. Berlin technical college shall apply for any federal funds applicable to this program for which it qualifies.

5 Review Committee Established.

I. A committee shall be established by July 1, 1994 to review this program and to:

- (a) Recommend whether to continue support of the satellite program.
- (b) Develop a long-range plan for future programming.
- (c) Address other issues as appropriate.

II. The committee shall consist of the following members:

- (a) Two senators, appointed by the president of the senate.
- (b) Two house members, appointed by the speaker of the house.
- (c) The commissioner of postsecondary technical education, or designee.
- (d) A member of the Haverhill Economic Coordinating council, chosen by the Haverhill selectmen.
- (e) A Haverhill area resident chosen by the Higher Education Advisory Committee at Haverhill.
- (f) A member of the public, appointed by the governor.

6 Meetings; Compensation. The committee shall choose a chairperson from among its members. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee. The first house appointed member shall call the first meeting prior to August 1, 1994.

7 Report. The committee shall make a report regarding the continuation of this satellite program in Haverhill, including any recommendations for legislation, and submit its recommendations to the governor, the speaker of the house, the president of the senate and the Haverhill selectmen, on or before November 1, 1994.

8 Appropriation. The sum of \$60,000 is appropriated for the fiscal year ending June 30, 1994, and \$40,000 for the fiscal year ending June 30, 1995, to the department of postsecondary technical education, for the purposes of section 2 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

9 New Subdivision; Job Training Program Established. Amend RSA 188-F by inserting after section 47 the following new subdivision:
Job Training Program for Economic Growth

188-F:48 Program Established. There is hereby established a program to provide job training which is designed to attract new business, assist in the expansion of business, and retain existing business in the state of New Hampshire.

188-F:49 Purpose. The purpose of this program is to:

I. Enhance the state's economic growth and vitality by offering assistance to privately owned businesses and industries in training a new work force and retraining existing employees to implement new technologies, in creating new jobs, and in retaining and upgrading existing jobs.

II. Provide technical education and training as a component of the state's economic development efforts.

III. To be flexible and responsive to the training needs of business and industry in New Hampshire.

188-F:50 Training Programs. Training programs may include, but shall not be limited to:

- I. Structured, on-site laboratory or classroom training.
- II. Basic skills.
- III. Technical skills.
- IV. Quality improvement.
- V. Safety.
- VI. Management and supervision.
- VII. English as a second language.

188-F:51 Administration; Review Committee.

- I. The department of postsecondary technical education shall administer this program.
- II. The commissioner of postsecondary technical education shall:
 - (a) Adopt rules under RSA 541-A, relative to the administration of this subdivision.
 - (b) Appoint a grant review committee consisting of the following:
 - (1) The commissioner of the department of postsecondary technical education, or designee.
 - (2) The commissioner of the department of resources and economic development, or designee.
 - (3) The commissioner of the department of employment security, or designee.
 - (4) One member representing labor, nominated by the commissioner of postsecondary technical education and approved by the board of governors.
 - (5) Three members representing business and industry, nominated by the commissioner of postsecondary technical education and approved by the board of governors, one of whom serves on the New Hampshire Private Industry Council.

III. The committee members shall serve staggered 3-year terms and shall serve without compensation.

IV. The function of the committee shall be to make recommendations to the commissioner of postsecondary technical education concerning the award of training grants to businesses.

V. Notwithstanding any other law, the commissioner may award grants of \$25,000 or less upon the recommendation of the grant review committee.

188-F:52 Eligibility for Training Grants.

I. In this chapter, "grant recipient" means the business entity that receives funds from the department and which provides funds to the training provider.

II. Only those businesses that are physically located or intend to be physically located within the state may receive funds under this subdivision.

III. Only those employees who are residents of New Hampshire, or who work for a business that is located or intends to locate within the state, shall receive training from grants under this subdivision.

IV. Grant recipients must match no less than one dollar for each dollar provided through the grant award. The match funds shall include only those costs extraordinary to the regular employee expenses incurred by the business and shall be directly related to training.

V. Priority shall be given for grants to small businesses in the manufacturing sector for the implementation of technological innovations.

VI. Award determinations shall be made in no longer than 20 working days after receipt by the department.

188-F:53 Eligible Costs.

I. To be eligible under this subdivision, a cost must be necessary and reasonable for the proper and efficient delivery of training to the employees of the grant recipient.

II. The following costs are not eligible:

- (a) Costs resulting from violations of or failure to comply with federal, state, or local laws and regulations.
- (b) Entertainment costs.
- (c) Administrative costs.
- (d) Salaries and wages of employees in training.

III. Funds for training grants shall supplement, and not replace, funds available through existing programs conducted by the business entity, or other public or private training programs.

IV. The department shall be authorized to use no more than 10 percent or \$70,000 of any appropriation under this subdivision, whichever is less, to administer this program.

188-F:54 Training Facilities.

I. So long as it is feasible, training shall be provided by New Hampshire public, postsecondary technical institutions.

II. When New Hampshire public, postsecondary technical institutions cannot provide proper training, the training grant recipient will be free to contract with some other training entity approved by the department.

III. The provider shall be specified in the grant award.

188-F:55 Performance; Report.

I. Within the first year following the effective date of this subdivision, the board of governors shall establish performance criteria. The board shall submit annually at the end of each fiscal year a report indicating the level of performance achieved through this program. Performance indicators shall include the number of existing jobs retained or new jobs created as the result of this program.

II. The department shall evaluate the performance level for each training grant program provided to a business.

III. The grant recipient shall file the information required under RSA 188-F:55, I and II, as requested by the commissioner.

10 Appropriation. The sum of \$200,000 for the fiscal year ending June 30, 1994, and the sum of \$200,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of postsecondary technical education, for the purpose of funding the training for economic growth program under RSA 188-F:48-55. The sums hereby appropriated shall be in addition to other funds appropriated to the department of postsecondary education. The governor is authorized to draw his warrant for said sums out of any money not otherwise appropriated.

11 Technology Research Park Site. The site for the Technology Research Park at the Pease International Tradeport shall be the land as may be designated from time to time in the Pease development authority's real estate plan.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adopts a policy for the state of New Hampshire to ensure the optimal development of the human resources required for a more productive labor force.

This bill appropriates funds to the department of postsecondary technical education to support establishing an office and providing a half-time local coordinator to administer a satellite program in Haverhill affiliated with the Berlin technical college. This program will serve as a pilot education and economic development project for other underserved areas of the state.

This bill establishes a job training program designed to enhance economic growth in the state and makes an appropriation to the department of postsecondary technical education for such program for fiscal years 1994 and 1995. It also sets up a grant review committee to oversee the training grant process.

The bill also specifies the site for the Technology Research Park at the Pease International Tradeport.

Adopted.

Report adopted and referred to Appropriations.

SB 159, relative to technological development, relative to inventor assistance and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport. **OUGHT TO PASS WITH AMENDMENT**

Rep. Bonnie D. Ham for Economic Development: The Committee recognizes that it is most difficult for individual inventors to obtain information and assistance toward the development of their ideas and patents. SB 159, on a controlled basis, authorizes and funds for the biennium an inventors assistance program to thoroughly explore whether the perceived economic benefits from such a program are reasonably attainable. Vote 14-2.

Amendment (2675B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to technological development and relative to inventor assistance and making an appropriation therefor.

Amend the bill by replacing all after section 1 with the following:

2 New Subdivision; Investors Assistance Act. Amend RSA 187-A by inserting after section 33 the following new subdivision:

Inventors Assistance Act

187-A:34 Statement of Purposes. The general court recognizes the numerous benefits to the state's economic base from the establishment of businesses by inventors and the numerous benefits provided by inventors which include industrial diversification, broadening of the economic base, a great proliferation of jobs, providing financial benefits to our citizens through a greatly expanded tax base, and new products and processes for the nation's consumers. A great number of inventions are never authoritatively considered primarily because inventors are unfamiliar with the business environment or financial structure necessary for implementing their proposals. The general court, therefore, recognizes a need to encourage and assist inventors and, at the same time, to position this state as a leader in advanced and high technology and to foster a climate for those leaders of this state, the nation and the world.

187-A:35 Program Established.

I. A program to provide assistance to inventors shall be established at the industrial research center at the University of New Hampshire at Durham. The center shall develop, implement, publicize, and operate the program within the limits of available resources and in a manner which will give greatest effect to the purposes of the program. In so doing the center may charge a reasonable fee for proposals submitted. The administrative head of the program shall be the executive director of the industrial research center. The administrative head shall be responsible to the oversight committee established in RSA 187-A:32.

II. With the prior approval of the committee, which approval shall include the affirmative votes of both senate and house representatives on that committee, the administrative head may elect to provide services to specific inventors or persons with intellectual property for the purposes of assisting such inventors or persons in the development of the invention or intellectual property. The assistance may include limited patent searches, patent applications, copyright registration, market analysis, product or process research and development, assistance in obtaining financing, including financing from private sources, and business counselling. The costs of such services shall be drawn from the inventors assistance program fund as established under RSA 187-A:37. The administrative head shall establish guidelines relative to the provision of services and governing the choice of services offered to individual persons, which guidelines will be approved by the committee.

III. No offer of assistance made by the center under this section to any person shall be taken to create a contractual obligation, either express or implied, on the part of the center to do any act or thing on behalf of the person.

187-A:36 Annual Report. The center shall submit an annual report on or before December 31 of each year to the governor, the governor's executive council, and the oversight committee established in RSA 187-A:32. The report shall include statistics for the following:

I. Proposals submitted for review and evaluation.

II. Proposals accepted for development and the number rejected.

III. Products receiving patents.

IV. Products developed to the commercial stage.

V. Jobs created and preserved as a result of the manufacturing, marketing, packaging, warehousing, and distribution of products.

187-A:37 Inventors Assistance Program Fund. There is hereby established at the center a fund to be known as the inventors assistance program fund. The fund shall consist of all fees and other moneys including those which the center is authorized to accept as grants, gifts, donations and royalties of any kind from the public sector and private sector for the purpose of funding the purposes of this program. The matching funds requirement established in RSA 187-A:33 shall not apply to funds expended from the inventors assistance program fund.

3 Appropriation. The sum of \$200,000 for the biennium ending June 30, 1995, is hereby appropriated to the industrial research center at the University of New Hampshire for deposit into the fund established in RSA 187-A:37 to be used for the startup costs of the inventors assistance program. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill adopts a policy for the state of New Hampshire to further partnerships between public educational institutions and private commercial enterprises to aid technological development.

This bill establishes an inventor assistance program to provide assistance to inventors. Under this bill, inventors would submit a proposal together with a reasonable fee to the industrial research center at the university of New Hampshire at Durham. If the proposal is accepted, the center could offer certain services to the inventor.

The bill establishes a fund to be administered by the administrative head of the industrial research center. The bill makes an appropriation for the startup costs of the program.

Adopted.

Report adopted and referred to Appropriations.

SB 196, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefore. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter Hoe Burling for Economic Development: This bill as amended does three things: it creates a very appropriate matching grants program for local development, it makes corrections to the local development statutes (162-G and 162-J) as they apply to town council forms of government, and it creates a committee to study what can be done to assist with local and regional development initiatives. The committee feels strongly that this bill should pass as amended (as our 14-0 vote suggests). Vote 14-0.

Amendment (2622B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to municipal economic development, establishing a committee to study regional and local economic development, and establishing an economic development matching grants program and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose.

I. The general court finds that municipalities undertake significant economic development efforts which contribute to the prosperity and growth of the state. The general court further finds that the efforts of municipalities can be strengthened and enhanced with appropriate support, both technical and financial, from state government.

II. Therefore, the general court adopts this act to establish more effective partnerships between state and municipal government in the pursuit of economic development.

2 New Subdivision; Economic Development Matching Grants Program. Amend RSA 12-A by inserting after section 31 the following new subdivision:
Economic Development Matching Grants Program

12-A:32 Economic Development Matching Grants Program. An economic development matching grants program is established to assist municipalities in promoting themselves to prospective businesses. For the purposes of this subdivision, "program" means the economic development matching grants program.

I. The department of resources and economic development shall administer an economic development matching grants program in cooperation with a program screening committee. The funds appropriated for this program shall be expended for grants for programs entered into by municipalities which are designed to promote the location of new businesses in the state of New Hampshire.

II.(a) The screening committee shall consist of the director of the division of economic development and 6 other members appointed as follows:

(1) One member appointed by the governor and council upon nomination by the commissioner of resources and economic development.

(2) Two members appointed by the governor and council upon nomination by the New Hampshire Municipal Association.

(3) Three members appointed by the governor and council upon nomination by the New Hampshire Association of Commerce and Industry.

(b) Members, other than the director of the division of economic development, shall serve for a term of 3 years and until their successors are appointed and qualified.

III. The screening committee shall elect its own chairman. Members may designate an alternate with the approval of the chairman. A majority of the members of the committee or their alternates shall constitute a quorum.

IV. Members of the screening committee shall not be compensated; however, the commissioner of resources and economic development may set aside up to one percent of the funds appropriated for the program in any fiscal year to reimburse committee members for their direct expenses associated with the program. The commissioner shall review and approve all requests for reimbursement.

V. Funds appropriated to the program shall only be made available to municipalities as may be certified by the screening committee with the approval of the commissioner of the department of resources and economic development.

VI. Grant awards shall require 50 percent matching funds from other sources. Grants shall not be used for the administrative salaries or overhead expenses of any applicant selected for a grant.

VII. Grant applications shall be reviewed by the screening committee which shall recommend approval or disapproval of applications to the commissioner of resources and economic development. A recommendation for disapproval by the screening committee or the commissioner shall be in writing with the reasons for disapproval stated.

VIII. Funds appropriated for the program for the first fiscal year of any biennium shall not lapse and shall be available for expenditure during the second fiscal year of the biennium. All funds which have not been expended by the end of the second fiscal year of a biennium shall lapse to the general fund.

IX. The commissioner of resources and economic development shall, with the advice of the screening committee, adopt rules under RSA 541-A after public hearing governing the program. These rules shall include:

(a) A description of the program, stating the general course and method of its operations and the methods by which the municipalities may obtain information or make submissions or requests.

(b) The procedures and criteria used to certify municipalities eligible for matching grants.

(c) The application process, including the information required of applicants.

(d) The procedures and criteria used to evaluate grant applications.

(e) Procedures for the administration of grants by recipients including reporting requirements.

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1994, is hereby appropriated to the department of resources and economic development for the purposes of section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 New Section; Collective Municipal Economic Development Projects. Amend RSA 35-A by inserting after section 41 the following new section:

35-A:42 Collective Municipal Economic Development Projects; Agreements.

I. Any number of towns or cities may join collectively to exercise any rights available to a governmental unit under the provisions of this chapter, provided that such collective effort is limited to the raising of funds for economic development projects. For the purposes of this section "economic development projects" means existing or proposed projects designed in part to create, retain, or improve jobs within one or more of the towns or cities which collectively exercise any rights of a governmental unit under this chapter.

II. Once any number of towns or cities join together for the purposes described in paragraph I, such combination shall be known as a multi-governmental unit. Any multi-governmental unit may enter into such written agreements as the respective governing bodies of the various towns and cities involved shall approve concerning valuation and distribution of the benefits intended by the economic development project.

5 Revenue Sharing. Amend the introductory paragraph to RSA 53-A:3 to read as follows: Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised jointly with any other public agency of this state. ***Such authority shall include, but not be limited to, the power to enter into agreements to share tax revenues resulting from local economic development efforts.***

6 Definitions Changed. Amend RSA 162-G:3, II to read as follows:

II. "Governing body" shall mean the board or body in which the general [legislative] ***executive*** powers of the governmental unit are vested ***as defined in RSA 21:48.***

7 New Paragraph; Defining Legislative Body. Amend RSA 162-G:3 by inserting after paragraph V the following new paragraph:

V-a. "Legislative body" shall mean legislative body as defined in RSA 21:47.

8 Legislative Body. Amend the introductory paragraph of RSA 162-G:8, I to read as follows:

I. Except as provided in paragraph II, the municipality shall not acquire any industrial facility, or execute any lease or trust indenture or issue any bonds with respect thereto, unless the legislative body has found after a hearing that the proposed acquisition, leasing, operation and use of such industrial facility will serve a public use and provide a public benefit and that such acquisition and leasing will be within the policy of and the authority conferred by this chapter. The [city council] ***legislative body*** shall, before or after hearing, determine the appropriateness of proceeding under this chapter as required under RSA 162-G:2. The determination required by this section may be made by the legislative body only after finding to its satisfaction that:

9 Adoption by Town Council Towns. Amend RSA 162-J:2 to read as follows:

162-J:2 Adoption by a Town.

I. In any town which adopts the provisions of this chapter that town shall have all of the authority, powers, duties and responsibilities set forth therein.

II. The adoption ***in a town with a town meeting***, shall be by a majority vote of all of the registered voters present and voting at a regular town meeting or at a special town meeting duly warned for the purpose, after a public hearing before the planning board, or selectmen where there is no planning board, of which hearing notice has been given as provided in RSA 21:32. Upon the petition of 25 voters for the adoption of the provisions of this chapter, a hearing shall be held as provided above and the question of adoption shall be placed before the voters at a regular or duly warned special town meeting in the same manner and subject to the same requirements as set forth above.

III. ***The adoption, in a town with a town council, shall by a majority vote of all the members of the town council after a public hearing before the council of which notice has been given as provided in RSA 21:32.***

10 Definitions of Governing and Legislative Bodies. Amend RSA 162-J:3, II to read as follows:

II. "Governing body" shall mean the [chief administrative group, for example, the board of selectmen] ***board or body in which the general executive powers of the governmental unit are vested as defined in RSA 21:48*** and "legislative body" shall mean the [lawmaking body, for example, town meeting] ***legislative body as defined in RSA 21:47.***

11 Town Council Towns. Amend RSA 162-J:11, I to read as follows:

I.(a) ***In a town with a town meeting form of government***, by a vote of 2/3 of the registered voters present and voting at a regular or duly-called special town meeting.

(b) ***In a town with a town council form of government, by a majority vote of all the duly elected members of the town council.***

12 Committee Established.

I. There is hereby established a committee, the task of which is to identify areas:

(a) Where political subdivisions may need statutory authority to act;

(b) Where the state has resources available to assist in local and regional economic development;

(c) In which programs at the state level have historically been the most and least beneficial to local and regional economic development;

(d) Where state programs should be created to assist such economic development;

(e) In which the business sector is in need of assistance from the state and from local and regional development offices. The committee shall also serve as a clearinghouse for all informa-

tion pertaining to economic development for cities and towns. The committee shall report to the legislature, the governor's office and to the department of resources and economic development. The report shall include findings and recommendations for further action, including, but not limited to, legislation. The committee shall study regional issues relative to the impact of converting from military to civilian use; and

(f) For the establishment of community service programs in New Hampshire. The committee shall review similar programs in other states and communities and recommend effective programs for New Hampshire. The committee shall also review funding sources for the start-up and continuation of such programs, including federal and private funds.

II. The committee shall be composed of the following members, all of whom shall have demonstrated interest or experience in economic development, and who shall as a group reflect the diversity of the state:

(a) Two senators, appointed by the senate president.

(b) Two representatives, appointed by the speaker of the house.

(c) A representative of a large business, appointed by the Business and Industry Association.

(d) Two representatives of small business owners, appointed by the Business and Industry Association.

(e) Two local or regional economic development directors, appointed by the New Hampshire Municipal Association.

(f) A city or town manager, appointed by the New Hampshire Municipal Association.

(g) Two bankers, one representing large New Hampshire commercial banks, the other representing small community banks, both appointed by the New Hampshire Bankers Association.

(h) A representative of a regional development organization, recommended by the New Hampshire Municipal Association, appointed by the governor.

(i) A representative of the department of resources and economic development: office of business and industry development, appointed by the commissioner of the department.

III. The committee shall meet at least as often as monthly to do its work. Notice of its scheduled meetings shall be published in a newspaper of general circulation, and in the house calendar and senate calendar as well. All meetings shall be open to the public, except as may be required from time to time and permitted as non-public meetings under RSA 91-A. No member shall use information obtained or derived from service on the committee to advance such member's own personal economic interests, unless the information used is contemporaneously available to the public. All members of the committee shall use their best efforts to provide each community with the greatest possible opportunity for economic development, consistent with the expressed needs and capacities of that community.

13 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

(1) Declares it the intent of the general court to establish more effective partnerships between state and municipal government in the pursuit of economic development.

(2) Establishes a committee to study local and regional economic development.

(3) Allows towns to engage in the acquisition, development and disposal of industrial lands and facilities.

(4) Allows a number of towns and cities to join together for the purpose of economic development projects to form a governmental unit to take advantage of the benefits of the New Hampshire municipal bond bank.

(5) Allows local governments to enter into agreements among themselves to share tax revenues arising from local economic development efforts.

(6) Establishes an economic development matching grants program to assist municipalities in promotions to encourage businesses to relocate to the applicant's municipality. The bill establishes a committee to screen applicants for the grants, which will require 50 percent matching funds from other sources. The bill grants rulemaking authority, with the advice of the screening committee, to the commissioner of resources and economic development. The bill makes an appropriation to the department of resources and economic development for the purposes of this bill.

Adopted.

Report adopted and referred to Appropriations.

SPECIAL ORDER

Rep. Trombly moved that **SB 236-FN-A**, allowing a tax credit against the business profits tax for certain businesses, be made a Special Order for Thursday, May 13, 1992 and spoke in favor.

Adopted.

REGULAR CALENDAR (Cont'd.)

SB 193, relative to liability under the hazardous waste, oil spillage and underground storage facilities laws and amending statutory definitions to clarify the secured creditor exemption. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeb E. Bradley for the Majority of Environment and Agriculture: This bill is a collaborative effort undertaken and supported by the Attorney General's Office, the Department of Environmental Services, the Business and Industry Association, and the New Hampshire Bankers Association. SB 193 seeks to clarify New Hampshire law with regard to secured creditor exemptions and to bring New Hampshire statute into conformity with recent EPA rulings. The change at the federal level offers protection to lenders, whether banks or individuals, from unlimited liability for environmental contamination not caused by the lender. Other states have enacted similar laws to clarify the role and responsibility of lenders. If enacted, a NH lender would not be responsible for the unlimited cleanup costs of environmental contamination; provided the lender was not negligent in any way. In exchange for this protection, SB 193 requires lenders to take proactive steps to remediate contamination on properties they foreclose upon, if they wish to retain the secured creditor exemption. This bill should reduce the incentive to develop virgin land as remediated properties are returned to both a usable condition and marketability. Ultimately this bill seeks to reduce the uncertainty lenders face on potentially contaminated property, and if passed, will reduce a significant impediment to the loaning of money to the NH business community. Although referred to E & A, this bill was heard jointly by the E & A Committee (OTP 13-5) and RR&D Committee (OTP 12-1). Two members of the Commerce Committee took part in subcommittee deliberations and the proposed amendment. Vote 13-5.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: Because this bill limits liability of all secured lenders and only them, every other sector of our society still has unlimited liability for oil spills, underground tanks and hazardous waste. These lenders can still walk away from the responsibility to disclose and remediate, as some of them do now, if they do not opt for the protection of this act. It appears to some of us that this is not only unfair but does not promote the public interest.

Rep. Betty Hall moved that the words Inexpedient to Legislative be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Jeb Bradley spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 55

NAYS 287

**YEAS 55
BELKNAP**

Salatiello, Thomas

CARROLL

Mock, Henry

CHESHIRE

Cole, Stacey

Riley, William

COOS

Mayhew, Josephine

Mears, Edgar

Wiswell, James

GRAFTON

Copenhaver, Marion
Rose, William

Crory, Elizabeth

Guest, Robert

McIlwaine, Deborah

HILLSBOROUGH

Arnold, Thomas, Jr.	Bergeron, Normand	Cote, David	Daigle, Robert
Haettenschwiller, Alphonse	Hall, Betty	Laughlin, J. Francis	Lessard, Rudy
Martin, Mary Ellen	Morrisette, Roland	O'Rourke, Joanne	Wheeler, Robert
White, John			

MERRIMACK

Braiterman, Thea	Dunn, Miriam	French, Barbara	Moore, Carol
Newland, Matthew	Owen, Derek	Regan, Maurice	

ROCKINGHAM

Beaulieu, Jon	Bell, Juanita	Chester, Sherman	Dowling, Patricia
Hurst, Sharleene	Hutchinson, Karen	Lovejoy, Marian	O'Keefe, Patricia
Pantelakos, Laura	Pullman, Robert	Rosencrantz, James	Spaine, James
St. Martin, Tommy	Warburton, Calvin		

STRAFFORD

Brown, George	Hambrick, Patricia	Keans, Sandra	McGrath, J. Gregory
O'Brien, John	Rogers, Rose Marie	Snyder, Clair	Torr, Ralph
Wheeler, Katherine			

SULLIVAN

None

NAYS 287**BELKNAP**

Bartlett, Gordon	Campbell, Richard, Jr.	Hauck, William	Hawkins, Robert
Holbrook, Robert	Johnson, Carl	Lafiam, Robert	Lawton, David
Rice, Thomas, Jr.	Rosen, Ralph	Turner, Robert	Ziegra, Alice

CARROLL

Allard, Nanci	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Dickinson, Howard, Jr.	Lyman, L. Randy	Philbrick, Donald	Saunders, Howard
Wiggin, Allen	Wiggin, Gordon		

CHESHIRE

Bonneau, Sarah	Burnham, Daniel	Champagne, Richard	DePecol, Benjamin
Delano, Robert	Foster, Katherine	Hunt, John	Kingsbury, H. Thayer
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	McNamara, Wanda
Metzger, Katherine	Pearson, Gertrude	Perry, David	Pratt, Irene
Richardson, Barbara	Robertson, Timothy	Royce, H. Charles	Russell, Ronald
Smith, Edwin			

COOS

Bradley, Paula	Coulombe, Henry	Foss, Frederic	Guay, Lawrence
Harwell, Tyler	Hawkinson, Marie	Merrill, Gerald	Pratt, Leighton

GRAFTON

Adams, Carl	Bean, Pamela	Below, Clifton	Brown, Alson
Brown, Channing	Brown, Patricia	Chase, Paul, Jr.	Dow, David
Driscoll, William	Eaton, Stephanie	Gordon, Edward	Hill, Richard
LaMott, Paul	Larson, Nils, Jr.	Scanlan, David	Teschner, Douglass
Trelfa, Richard	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Ahrens, Frederick	Allen, W. Gordon
Amidon, Eleanor	Andrews, Frederick	Arnold, Barbara	Asselin, Robert
Bagley, Amy	Bowers, Dorothy	Buckley, Raymond	Burke, M. Virginia

Calawa, Leon, Jr.
 Crotty, Edward
 Domaingue, Jacquelyn
 Durham, Susan
 Ferguson, Charles
 Gage, Ruth
 Hart, Nick
 Holt, Mark
 Jean, Loren
 Kurk, Neal
 Lown, Elizabeth
 McNerney, Daniel
 Milligan, Robert
 Morello, Michael
 Paquette, Rodolphe
 Reidy, Frank
 Rothhaus, Finlay
 Soucy, Donna
 Turgeon, Roland
 Wright, George

Cepaitis, Elizabeth
 Daniels, Gary
 Donovan, Francis
 Dykstra, Leona
 Fields, Dennis
 Gagnon, Eugene
 Healy, Daniel
 Hunter, Bruce
 Kelley, Dana
 L'Heureux, Robert
 Lozeau, Donnalee
 McRae, Karen
 Mittelman, David
 Murphy, Robert
 Perkins, Paul
 Rheault, Lillian
 Sargent, Maxwell
 Soucy, Richard
 Upton, Barbara

Chabot, Robert
 Desrosiers, William
 Drabinowicz, A. Theresa
 Eliades, George
 Foster, Linda
 Gosselin, Gerald
 Holden, Carol
 Jasper, Shawn
 Kelley, Robert
 Lachut, Ervin
 McCann, Bonnie
 Mercer, Robert
 Moncrief, Keith
 Nardi, Theodora
 Philbrook, Paula
 Riley, Frances
 Searles, Stanley, Sr.
 Tate, Joan
 Vanderlosk, Stanley

Cowenhoven, Garret
 Dodge, Emma
 Drolet, Paul
 Fenton, James
 Franks, Suzan
 Greenberg, Gary
 Holt, David
 Jean, Claudette
 Kirby, Thomas
 Lefebvre, Roland
 McCarty, Winston
 Messier, Irene
 Moore, Elizabeth
 Packard, Bonnie
 Plourde, Alphonse
 Rodgers, G. Philip
 Smith, Leonard
 Toomey, Kathryn
 Wells, Peter, Sr.

MERRIMACK

Apple, Lowell
 Chandler, Earle
 Fillion, Paul
 Houlahan, Thomas
 Kidder, William
 Pfaff, Terence
 Teague, Bert
 Whittemore, James

Barberia, Richard
 Chandler, John
 Gilbreth, Robert
 Johnson, C. William
 Langer, Ray
 Rogers, Katherine
 Trombly, Rick
 Willis, Jack

Buessing, Marjorie
 Daneault, Gabriel
 Hill, Michael
 Johnson, Joyce May
 Lockwood, Robert
 Shaw, Randall
 Weeks, John, Jr.
 Yeaton, Charles

Carter, Susan
 Feuerstein, Martin
 Holmes, Mary
 Kennedy, Richard
 Nichols, Avis
 Soldati, Jennifer
 Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
 Boucher, William
 Christie, Andrew, Jr.
 Conroy, Janet
 DiPietro, Carmela
 Felch, Charles, Sr.
 Gage, Beverly
 Johnson, Bill
 Klemarczyk, Thaddeus
 McKinney, Betsy
 Packard, Sherman
 Rubin, George
 Strich, C. Donald
 Vaughn, Charles
 Woods, Deborah

Arndt, Janet
 Bove, Martin
 Clark, Martha
 Cote, Patricia
 Dowd, Sandra
 Flanagan, Natalie
 Gargiulo, Louis
 Johnson, Robert
 Lee, Rebecca
 Miller, Don
 Putnam, Ed, II
 Senter, Merilyn
 Syracusa, Anthony
 Welch, David
 Yennaco, Carol

Battles, Marjorie
 Campbell, Marilyn
 Clark, Vivian
 Crossman, Harold, Jr.
 Drake, Herbert
 Flanders, David
 Gorman, Donald
 Katsakiores, George
 Malcolm, Kenneth
 Moore, Benjamin
 Raynowska, Bernard
 Simon, Peter
 Sytek, Donna
 Weyler, Kenneth

Blake, Daniel
 Caswell, Albert, Jr.
 Coes, Betsy
 Crum, William, Jr.
 Dube, LeRoy
 Flanders, John, Sr.
 Hemenway, Thomas
 Katsakiores, Phyllis
 McGovern, Cynthia
 Noyes, Richard
 Ritzo, Eugene
 Skinner, Patricia
 Sytek, John
 Williamson, William

STRAFFORD

Brown, Julie
 Gilmore, Gary
 Kincaid, William
 McCann, William, Jr.
 Nehring, William
 Sullivan, Henry
 Wall, Janet

Callaghan, Frank
 Hashem, Elaine
 Knowles, William
 McKinley, Robert
 Pageotte, Donald
 Torr, Ann
 Wasson, Richard

Chagnon, Ronald
 Hemon, Roland
 Loder, Suzanne
 Merrill, Amanda
 Pelletier, Arthur
 Torr, Franklin

Dunlap, Patricia
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Spear, Barbara
 Vincent, Francis

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Domini, Irene	Flint, Gordon	Holl, Ann	Kane, Joan
Lindblade, Eric	Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle
Stamatakis, Carol			

and the motion failed.

Rep. Jeb. Bradley yielded to questions.

Amendment (2533B)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds it desirable to promote the availability of credit for business and for residential and commercial development by clarifying the proper scope of the state's environmental laws as they relate to secured creditors, while at the same time maintaining and promoting the state's interest in protecting the environment. Therefore, the general court finds it desirable to clarify the protection given creditors and to extend the protection given creditors to fiduciaries in their individual capacities.

2 New Paragraphs; Definitions Added. Amend RSA 146-A:2 by inserting after paragraph I-d the following new paragraphs:

I-e. "Fiduciary" means a person:

(a) Who is acting in any of the following representative capacities, but only to the extent such person is acting in such representative capacity; an executor or administrator of an estate, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the state of New Hampshire; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for the benefit of creditors; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto;

(b) Who holds legal title to, controls, or manages, directly or indirectly, any facility or vessel as a fiduciary for purposes of administering an estate or trust of which such facility or vessel is a part; and

(c) Who is otherwise not engaged in petroleum production, refining or marketing.

I-f. "Holder" means a person who holds indicia of ownership primarily to protect a mortgage interest or security interest in real or personal property on or at a facility or vessel and who is otherwise not engaged in petroleum marketing, refining or production.

I-g. "Indicia of ownership" means evidence of a mortgage lien, a security interest, or other interests in real or personal property securing payment or performance of a loan or other obligation.

3 New Paragraph; Definition Added. Amend RSA 146-A:2 by inserting after paragraph VI-b the following new paragraph:

VI-c. "Primarily to protect a mortgage interest or security interest" means that the holder's indicia of ownership are held primarily for the purpose of securing the payment or performance of the loan or other obligation.

4 New Sections; Liability Limited. Amend RSA 146-A by inserting after section 3-b the following new sections:

146-A:3-c Limited Liability for Holders.

I. A holder who has not assumed ownership of a facility or vessel by the act of taking title by foreclosure or by other similar means and who has not assumed responsibility for the operation of the facility or vessel shall not be liable under RSA 146-A:3-a.

II.(a) A holder who has assumed ownership of a facility or vessel by the mere act of taking title by foreclosure or other similar means or who has assumed responsibility for the operation of a facility or vessel shall be liable under RSA 146-A:3-a unless the holder fulfills the following conditions in which case its liability shall be limited in accordance with subparagraph (b):

(1) The holder reports to the division any known or suspected discharge or spillage of oil from the facility or vessel;

(2) The holder undertakes emergency response measures to stop an ongoing discharge, prevent further discharge of oil, and address any imminent health hazard created by the discharge or spillage;

(3) The holder secures the facility or vessel as necessary to prevent exposure to oil by fencing or otherwise limiting access;

(4) The holder conducts all actions required under this subparagraph and all other response actions or corrective measures, including those voluntarily assumed, in accordance with the department's rules; and

(5) The holder provides the division, its employees and authorized representatives with access to the facility or vessel for inspection, testing, response and remedial activity and any other purposes authorized under this chapter.

(b) A holder who has complied with the conditions of subparagraph (a) shall not be liable under RSA 146-A:3-a unless such holder or its employees cause any discharge or spillage of oil, in which case the holder shall be liable for the lesser of:

(1) actual damages caused by the holder or its employees;

(2) the value of the secured property as determined by a method acceptable to both the state and the holder, until otherwise specified by rules of the department, or

(3) the amount of the outstanding indebtedness secured by the facility or vessel.

III. Nothing in this section shall preclude or limit claims under RSA 146-A:3-a against non-employee agents or independent contractors retained by a holder.

IV. Nothing in this section shall preclude or limit claims to recover costs under RSA 146-A:3-a against a holder whose negligent acts or omissions or intentional misconduct has caused the discharge or spillage of oil. A holder as described in paragraph I or a holder who fulfills the conditions of paragraph II(a) shall not be attributed with the negligence or intentional misconduct of non-employee agents or independent contractors so long as such holder has conducted itself without fault with regard to its relationship with such non-employee agents or independent contractors.

146-A:3-d Limited Liability for Fiduciaries

I. A fiduciary shall not be liable in its individual capacity under RSA 146-A:3-a.

II. Nothing in this section shall preclude claims under RSA 146-A:3-a against:

(a) a fiduciary in its representative capacity;

(b) the assets of the estate or trust administered by a fiduciary; or

(c) non-employee agents or independent contractors retained by a fiduciary.

III. Nothing in this section shall preclude claims to recover costs under RSA 146-A:3-a against a fiduciary in its individual capacity whose negligent acts or omissions or intentional misconduct has caused the discharge or spillage of oil. A fiduciary shall not be attributed with the negligence or intentional misconduct of non-employee agents or independent contractors so long as the fiduciary has conducted itself without fault with regard to its relationship with such non-employee agents or independent contractors.

146-A:3-e Duty to Report. Nothing in RSA 146-A:3-c or 3-d shall be construed to relieve a holder or fiduciary from any legal duty requiring a report, notification or disclosure of an oil discharge otherwise established under New Hampshire law.

5 New Paragraph; Rulemaking Authority Added. Amend RSA 146-A:11-c by inserting after paragraph VIII the following new paragraph:

VIII-a. The exemptions and liability limitations for holders and fiduciaries.

6 New Paragraph; Definition Added. Amend RSA 146-C:1 by inserting after paragraph VII-a the following new paragraphs:

VII-b. "Fiduciary" means a person:

(a) Who is acting in any of the following representative capacities, but only to the extent such person is acting in such representative capacity: an executor or administrator of an estate, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the state of New Hampshire; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for

the benefit of creditors; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto; and

(b) Who holds legal title to, controls, or manages, directly or indirectly, any facility as a fiduciary for purposes of administering an estate or trust of which such facility is a part; and

(c) Who is otherwise not engaged in petroleum production, refining or marketing.

VII-c. "Holder" means a person who holds indicia of ownership primarily to protect a mortgage interest or security interest in real or personal property on or at the facility and who is otherwise not engaged in petroleum production, refining or marketing.

VII-d. "Indicia of ownership" means evidence of a mortgage lien, a security interest, or other interests in real or personal property securing payment or performance of a loan or other obligation.

VII-e. "Primarily to protect a mortgage interest or security interest" means that the holder's indicia of ownership are held primarily for the purpose of securing the payment or performance of the loan or other obligation.

7 Definition Modified. Amend RSA 146-C:1, XIV-a to read as follows:

XIV-a. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state and agencies thereof, municipality, commission, political subdivision of a state, interstate body, consortium, joint venture, commercial entity, the United States government and agencies thereof, and any other legal entity. [The term "person" shall not include a person who, without participating in the management or actual operation of the facility, and otherwise not engaged in petroleum production, refining, or marketing, holds indicia of ownership primarily to protect a mortgage on real property on which a facility is located or a security interest in personal property located at the facility.]

8 New Paragraph; Rulemaking Authority Added. Amend RSA 146-C:9 by inserting after paragraph XII the following new paragraph:

XIII. The exemptions and liability limitations for holders and fiduciaries.

9 New Sections; Liability Limited. Amend RSA 146-C by inserting after section 11 the following new sections:

146-C:11-a Limited Liability for Holders.

I. A holder who has not assumed ownership of a facility or facility site by the act of taking title by foreclosure or by other similar means and who has not assumed responsibility for the care, custody or control of a facility or facility site shall not be considered an owner or operator under this chapter and shall not be liable under RSA 146-C:11.

II.(a) A holder who has assumed ownership of a facility or facility site by the mere act of taking title by foreclosure or other similar means or who has assumed responsibility for the care, custody or control of a facility or facility site shall be liable under RSA 146-C:11 unless the holder fulfills the following conditions in which case its liability shall be limited in accordance with subparagraph (b):

(1) The holder notifies the division of the facility if the holder knows or has reason to know of its existence and the facility is not registered;

(2) The holder reports to the division any known or suspected discharge or disposal of oil or hazardous substance from the facility;

(3) The holder assesses the facility's compliance with department rules adopted under the authority of RSA 146-C and provides the division with the results of the assessment;

(4) The holder undertakes emergency response measures to stop an ongoing discharge or disposal of oil or hazardous substance, prevent further disposal, and address any imminent health hazard created by the disposal;

(5) The holder secures the facility or site as necessary to prevent exposure to oil or hazardous substances by fencing or otherwise limiting access;

(6) The holder conducts all actions required under this subparagraph and all other cleanup actions or corrective measures, including those voluntarily assumed, in accordance with the department's rules; and

(7) The holder provides the division, its employees and authorized representatives with access to the facility or site for inspection, testing, containment, removal and cleanup activity and any other purposes authorized under this chapter.

(b) A holder who has complied with the conditions of subparagraph (a) shall not be considered an owner or operator under this chapter and shall not be liable under RSA 146-C:11 unless such holder or its employees cause any disposal of oil or hazardous substance, in which case the holder shall be liable for the lesser of:

- (1) actual damages caused by the holder or its employees;
- (2) the value of the secured property as determined by a method acceptable to both the state and the holder, until otherwise specified by rules of the department, or
- (3) the amount of the outstanding indebtedness secured by the facility or site.

III. A holder that assumes primary responsibility for the business operations of a facility or facility site shall be deemed an operator under this chapter. Such holder shall not be strictly liable under RSA 146-C:11 for discharges or disposals commencing before the holder first conducts or manages the business operations of the facility if the holder has fulfilled the conditions of paragraph II(a).

IV. Nothing in this section shall preclude or limit claims under RSA 146-C:11 against non-employee agents or independent contractors retained by a holder.

V. Nothing in this section shall preclude or limit claims for costs under RSA 146-C:11 against a holder whose negligent acts or omissions or intentional misconduct has caused the discharge or disposal of oil or hazardous substances. A holder as described in paragraph I or a holder who fulfills the conditions of paragraph II(a) shall not be attributed with the negligence or intentional misconduct of non-employee agents or independent contractors so long as such holder has conducted itself without fault with regard to its relationship with such non-employee agents or independent contractors.

146-C:11-b Limited Liability for Fiduciaries.

I. A fiduciary shall not be considered an owner or operator under this chapter in its individual capacity and shall not be liable in its individual capacity under RSA 146-A:11.

II. Nothing in this section, shall preclude claims under RSA 146-C:11 against:

- (a) a fiduciary in its representative capacity;
- (b) the assets of the estate or trust administered by a fiduciary; or
- (c) non-employee agents or independent contractors retained by a fiduciary.

III. Nothing in this section shall preclude claims to recover costs under RSA 146-C:11 against fiduciaries in their individual capacity based on negligence or intentional misconduct. Fiduciaries shall not be attributed with the negligence or intentional misconduct of non-employee agents or independent contractors so long as the fiduciary has conducted itself without fault with regard to its relationship with such non-employee agents or independent contractors.

146-C:11-c Duty to Report. Nothing in RSA 146-C:11-a or 11-b shall be construed to relieve a holder or fiduciary from any legal duty requiring a report, notification or disclosure of a discharge or disposal of oil or hazardous substance otherwise established under New Hampshire law.

10 Definitions Modified. Amend RSA 147-A:2, XI-XII to read as follows:

XI. "Operator" means any person who, either directly or indirectly, [owns,] operates, or otherwise controls or directs activities at a facility.

XI-a. "Owner" means any person who, either directly or indirectly owns a facility. The term "owner" does not include a person who, without participation in the management or actual operation of a facility, holds indicia of ownership primarily to protect a mortgage on real property on which a facility is located or a security interest in personal property located at the facility.

XII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body. [The term "person" shall not include a person who, without participation in the management or actual operation of the facility, holds the indicia of ownership primarily to protect a mortgage on real property on which a facility is located or a security interest in personal property located at the facility.]

11 Definition Added. Amend RSA 147-B:2 by inserting after paragraph III the following new paragraph:

III-a. "Fiduciary" means a person:

(a) Who is acting in any of the following representative capacities, but only to the extent such person is acting in such representative capacity: an executor or administrator of an estate, including a voluntary executor or a voluntary administrator; a guardian; a conservator; a trustee under a will under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in the courts of the state of New Hampshire; a court-appointed receiver; a trustee appointed in proceedings under federal bankruptcy laws; an assignee or a trustee acting under an assignment made for the benefit of creditors; or a trustee, pursuant to an indenture agreement or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or any successor thereto, and

(b) Who holds legal title to, controls, or manages, directly or indirectly, any facility as a fiduciary for purposes of administering an estate or trust of which such facility is a part.

12 New Paragraphs; Definitions Added. Amend RSA 147-B:2 by inserting after paragraph VIII-d the following new paragraphs:

VIII-e. "Holder" means a person who holds indicia of ownership primarily to protect a mortgage interest or security interest in real or personal property on or at the facility.

VIII-f. "Indicia of ownership" means evidence of a mortgage lien, a security interest, or other interests in real or personal property securing payment or performance of a loan or other obligation.

VIII-g. "Participation in the management of a facility" means the actual participation by a holder in the management or operational affairs of the facility, including without limitation where a holder (i) exercises decision-making control over environmental compliance or (ii) exercises control at a level comparable to that of a manager of the enterprise with responsibility for day-to-day decision-making either with respect to environmental compliance or all or substantially all of the operational (as opposed to financial or administrative) aspects of the facility. The following types of activities, among others, shall not constitute participation in the management of a facility:

(a) Taking title to a facility by foreclosure, by accepting a deed to such facility in lieu of foreclosure or by other similar means, or the transfer or sale of such facility;

(b) Conducting, or requiring the borrower to conduct, an environmental assessment or audit of the facility;

(c) Withholding funds under an existing obligation or restructuring or renegotiating the terms of a borrower's obligations, including but not limited to, requiring the payment of interest, the extension of payment periods or the issuance of additional funds;

(d) Providing to the borrower financial advice;

(e) Requiring or advising the borrower to comply with federal, state or local laws, rules, regulations, orders or permits;

(f) Collecting rents, maintaining utility services and securing the facility from unauthorized entry; and

(g) Undertaking any cleanup action approved by the division.

VIII-h. "Primarily to protect a mortgage interest or security interest" means that the holder's indicia of ownership are held primarily for the purpose of securing the payment or performance of the loan or other obligation. The indicia of ownership held after foreclosure continues to be maintained primarily as protection for a security interest provided that the holder undertakes to sell, re-lease property held pursuant to a lease financing transaction (whether by a new lease financing transaction or substitution of the lessee), or otherwise divest itself of the property in a reasonably expeditious manner, using whatever commercially reasonable means are relevant or appropriate with respect to the facility, taking all facts and circumstances into consideration, and provided that the holder does not participate in management. A holder establishes that it is seeking to sell, re-lease or otherwise divest itself of the property following foreclosure and its equivalents by, within 5 months following foreclosure, listing the facility with a broker, dealer, or agent who deals with the type of property in question, or by advertising the facility as being for sale or disposition on at least a monthly basis in either a real estate publication or a trade or other publication suitable for the facility in question, or a newspaper of general circulation cov-

ering the area where the property is located. The holder is entitled to a presumption that it is holding indicia of ownership primarily to protect a mortgage interest or security interest but if the holder does not divest itself of the property within 3 years, the holder bears the burden of showing compliance with this paragraph.

VIII-i. "Qualifying holder" means a holder who does not participate in the management of the facility.

13 Definition Modified. Amend RSA 147-B:2, IX to read as follows:

IX. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body. [The term "person" shall not include a person who, without participation in the management or actual operation of a facility, holds the indicia of ownership primarily to protect a mortgage on which a facility is located or a security interest in personal property located at the facility.]

14 Rulemaking Added; Technical Change. Amend RSA 147-B:7, I(c) and (d) to read as follows:

(c) Certified reports required to be submitted with fee payments by generators and by facility owners and operators; [and]

(d) Exemption from the generator fee for generators participating in hazardous waste recycling programs[.]; and

(e) The exemptions, limitations of liability, and lien priority provisions for holders and fiduciaries, including qualifying holders.

15 Strict Liability; References Added. Amend the introductory paragraph of RSA 147-B:10, I to read as follows:

I. Subject only to the defenses set forth in RSA 147-B:10-a ***and the exclusions and limitations set forth in RSA 147-B:10, IV and V***, any person who:

16 New Paragraphs; Strict Liability; Exclusions and Limitations Added. Amend RSA 147-B:10 by inserting after paragraph III the following new paragraphs:

IV. Notwithstanding paragraph I, the liability of a holder, when acting as a holder, shall be determined as follows:

(a) A qualifying holder shall not be liable to the state or any other person under paragraph I.

(b) A holder who is not a qualifying holder shall be liable under paragraph I, however, the liability of a holder who demonstrates that its acts or omissions have not caused the release of hazardous waste or materials at a facility shall be limited to the lesser of:

(1) the value of the secured property as determined by a method acceptable to both the state and the holder, until otherwise specified by rules of the department, or

(2) the amount of the outstanding indebtedness secured by the facility.

(c) Nothing in this section shall preclude or limit claims under paragraph I against non-employee agents or independent contractors retained by a holder.

(d) Nothing in this section shall preclude or limit claims to recover costs under this section against a qualifying holder whose negligent acts or omissions or intentional misconduct has caused the release of hazardous waste or materials at a facility. A qualifying holder shall not be attributed with the negligence or intentional misconduct of non-employee agents or independent contractors so long as the qualifying holder has conducted itself without fault with regard to its relationship with such non-employee agents or independent contractors.

V. Notwithstanding paragraph I, the liability of a fiduciary, when acting as a fiduciary, shall be determined in accordance with the following:

(a) A fiduciary shall not be liable in its individual capacity to the state or any other person under paragraph I.

(b) Nothing in this section shall preclude claims under paragraph I against:

(1) a fiduciary in its representative capacity;

(2) the assets of the estate or trust administered by the fiduciary; or

(3) non-employee agents or independent contractors retained by a fiduciary.

(c) Notwithstanding this section, nothing shall preclude claims to recover costs under this section against a fiduciary in its individual capacity whose negligent acts or omissions or inten-

tional misconduct has caused the release of hazardous waste or materials at a facility. A fiduciary shall not be attributed with the negligence or intentional misconduct of non-employee agents or independent contractors so long as the fiduciary has conducted itself without fault with regard to its relationship with such non-employee agents or independent contractors.

VI. Nothing in this section shall be construed to relieve a holder or fiduciary from any legal duty requiring a report, notification or disclosure of a release of hazardous waste or materials otherwise established under New Hampshire law.

17 Liens; Liability Modified. Amend RSA 147-B:10-b, I to read as follows:

I. The division of waste management shall have a lien upon the business revenues and all real and personal property of any person subject to liability under RSA 147-B:10, I for all costs [incurred] *recoverable* by the state pursuant to RSA 147-B:10, II.

18 New Subparagraph; Lien Amount Modified. Amend RSA 147-B:10-b, III by inserting after subparagraph (c) the following new subparagraph:

(d) Notwithstanding the lien priorities created under subparagraphs (a)-(c), a holder who, either voluntarily or in conjunction with others (including the state and federal government), undertakes clean-up activities or expends funds on other response or remedial costs, shall have a lien of equal rank and priority with the lien created by paragraph I to the extent of monies expended for remediation.

19 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

On a division vote, 272 members having voted in the affirmative and 69 in the negative, the amended Committee report was adopted and the bill was ordered to third reading.

SB 39, making a technical correction in the enhanced 911 system law and specifying a 4-year term for the executive director of the bureau of emergency communications. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen K. McRae for Executive Departments and Administration: The bill makes some technical changes in legislation passed last session. The amendment refers to a 4-year term limit for the Executive Director of the Bureau of Emergency Communications. Vote 12-1.

Amendment (2667B)

Amend the bill by replacing section 4 with the following:

4 Applicability. The 4-year term for the executive director of the bureau of emergency communications shall apply to the person serving in that capacity on the effective date of this act. The term shall begin on the date of such person's appointment.

Adopted.

Report adopted and ordered to third reading.

SB 172-FN, making structural changes within the department of corrections. **MAJORITY: OUGHT TO PASS. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Kathleen W. Ward for the Majority of Executive Departments and Administration: This bill upgrades the top management in recognition of the fact that the present grade was set at the time there were 750 inmates and now there are more than 1600, and there is one employee who has been performing two full time positions at one pay grade. Also the fact that the women's prison, the Laconia facility and the psychiatric units at the state prison have all been added, significantly increasing this employee's responsibilities. Vote 7-6.

Rep. Cynthia McGovern for the Minority of Executive Departments and Administration: This bill proposes pay raises and increased labor grades for certain Department of Corrections personnel. While these people may be deserving of such consideration, so are others in different state agencies. One department should not be given preferential treatment over any other department. The Committee should consider other unclassified positions in all other state agencies.

Rep. Dunn moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Ward spoke against and yielded to questions.

Rep. Trombly spoke in favor.

Rep. Donna Sytek spoke against.

On a standing division vote, 162 members having voted in the affirmative and 173 in the negative, the motion failed.

Report adopted and referred to Appropriations.

SB 181-FN, abolishing the New Hampshire retirement system special reserve account. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would eliminate the special reserve account of the N.H. Retirement System. The funds in the special reserve are part of the asset base used to determine the funded ratio. Passage will drop this ratio to 108.52% for the firemen. This is below the target amount of 125% for each component. When the new funding formula was implemented in 1991, the Legislature was asked not to make any adjustments to the system until the true effects on the system of the new funding formula could be determined. This information will be available later this year. Vote 10-3.

Adopted.

SPECIAL ORDER

Rep. Trombly moved that **SB 231-FN-A-L**, relative to lead poisoning and control and continually appropriating a fund to the director of public health services, be made a Special Order for Thursday, May 13, 1993 and spoke in favor.

Adopted.

REGULAR CALENDAR, (Cont'd.)

SB 209-FN-A, relative to the children's health plan and making an appropriation therefor. **DOUGHT TO PASS WITH AMENDMENT**

Rep. Katherine Wells Wheeler for Health, Human Services and Elderly Affairs: The committee supports the amended version of the Children's Health Plan, which raises the Medicaid eligibility level for pregnant women and children through age 9 to 185 percent of the poverty level. The bill also provides for improved outreach and enrollment of Medicaid eligible pregnant women and children and improved coordination of Medicaid services for pregnant women and children with other publicly funded programs providing maternal and child health services. The amendment will greatly reduce the amount necessary to fund this program. New figures are being prepared in time for review by the Appropriations Committee. Vote 11-3.

Amendment (2573B)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Children's Health Plan Established. Amend RSA 167 by inserting after section 65 the following new subdivision:

The Children's Health Plan

167:66 Short Title. This subdivision may be referred to as "The Children's Health Plan."

167:67 Findings and Purpose.

I. The general court finds that at least 30,000 New Hampshire children lack health insurance. The lack of available, comprehensive maternity and child health services imposes a great cost, in both human and financial terms, on the citizens of this state. Both government and industry have long recognized the need for continual reinvestment in physical plant, public infrastructure, marketing, research and development, but less attention has been paid to the need for investment in our state's human resources. At a time when growing economic competition makes it essential that New Hampshire have a high quality work force, spending on programs to develop that work force is a necessary investment.

II. That investment begins with healthy beginnings for children, including early and comprehensive prenatal care and comprehensive primary and preventive child health and developmental services. Equally important, maternal and child preventive health and child development programs are highly cost effective simply from the perspective of health care and special education cost avoidance. Studies show that modest investments in preventive programs today will reduce long-term health and welfare spending by the states tomorrow. Thus, the cost to New Hampshire of not providing adequate access to maternal and child health services can be measured in wasted lives, rising costs of remedial health and social programs, and a work force

increasingly unprepared for the challenges of international economic competition. Recent federal legislation regarding medicaid coverage for low-income pregnant women and children has created an unparalleled opportunity for federal cost sharing in state programs that serve this high risk population.

III. The purpose of this subdivision is to make a needed and strategic investment in this state's human resources by taking advantage of federally created options to obtain additional federal financial assistance by expanding medicaid eligibility for low income pregnant women and children. This subdivision also provides for improved outreach and enrollment of medicaid eligible pregnant women and children and improved coordination of medicaid services for pregnant women and children with other publicly-funded programs providing maternal and child health services.

167:68 Medicaid Enhancement for Children and Pregnant Women. The director of the division of human services shall adopt rules under RSA 541-A which:

I. Establish by September 1, 1993, categorically needy coverage groups under RSA 167:6, VII and 42 U.S.C. section 1396a(a)(10)(A)(i)(IV), (a)(10)(i)(VI), (a)(10)(A)(i)(VII), or (a)(10)(A)(ii)(IX) and establishing less restrictive income and resource methodologies under section 1902(r)(2) of Title XIX of the Social Security Act as necessary to provide medical assistance coverage to all individuals described in 42 U.S.C. section 1396a (1)(1)(A), (B), (C) and (D) whose family income does not exceed 185 percent of the federal poverty level disregarding resources for a family size equal to the size of the family including the woman, infant or child. This includes: (a) Women during pregnancy and during the 60 day period beginning on the last day of the pregnancy; (b) Infants under one year of age; (c) Children who have attained one year of age but have not attained 6 years of age; and (d) Children born after September 30, 1983, who have attained 6 years of age but have not attained 19 years of age.

II. Establish by January 1, 1994, procedures in the medical assistance program for improved outreach and enrollment for pregnant women and children. Such procedures shall include:

(a) Implementing shortened, simplified medicaid-only application forms for the individuals covered under paragraph I.

(b) Providing for the receipt and initial processing of medicaid applications from individuals covered under paragraph I at locations which are other than those used for the receipt and processing of applications for aid to families with dependent children and which include providers of Title V Maternal and Child Health Services, Title X Family Planning Services, the Special Supplemental Food Program for Women, Infants and Children and Early Intervention program sites, as well as those required under 42 U.S.C. 1396 a(a)(55). Individuals submitting applications at sites, other than the division of human services district offices, shall not be required to subsequently visit the division of human services district office to complete the initial eligibility determination process.

(c) Instituting a formal procedure for taking maternity-related medical assistance applications at the offices of "qualified providers" including the providers listed in RSA 167:68, II(b) and for making medicaid services available to a pregnant woman during a "presumptive eligibility period" as provided in 42 U.S.C. 1396r-1. Presumptive eligibility shall be made available to pregnant women applying at division of human services district offices as well as to pregnant women applying at non-district office sites.

(d) Instituting an aggressive public education campaign regarding the availability of medicaid coverage for maternal and child health services, the existence of other publicly-funded health programs serving mothers and children, and the advantages of preventive health care.

(e) Instituting a newborn home visiting program whereby a licensed health professional makes a home visit to targeted households with medicaid covered newborns within 60 days after birth to encourage families to participate in the Early and Periodic, Screening, Diagnosis and Treatment Program, to conduct a health screen, to better link the family with primary health care, and to better ensure continued medicaid coverage for the infant.

III. Establish by January 1, 1994, procedures for improved coordination of the medicaid program for pregnant women and children with other publicly-funded health programs serving mothers and children, including Title V Maternal and Child Health, Title X Family Planning, and the Special Supplemental Food Program for Women, Infants and Children, and the Early Intervention Program. Such procedures shall include, to the extent permissible by federal law:

(a) A common application form;
 (b) Medicaid eligibility technicians located at agencies providing these publicly-funded health care services; and

(c) The continuation and completion of rulemaking and other measures designed to make medicaid reimbursement available to these publicly funded health programs for medically necessary care management and care coordination services provided by these agencies to medicaid eligible pregnant women and children.

2 New Paragraph; Rulemaking. Amend RSA 167:3-c by inserting after paragraph VII the following new paragraph:

VIII. Implementing the children's health plan under RSA 167:66-68.

3 Appropriation. The sum of \$750,000 for the fiscal year ending June 30, 1994, and the sum of \$1,200,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the division of human services for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill improves access to maternal and child health services for uninsured, low-income pregnant women and children by expanding medicaid eligibility, improving outreach and coordinating services with other publicly funded health programs serving mothers and children.

This bill is also designed to take advantage of recently created options to obtain additional federal cost sharing through medicaid for health services to low-income pregnant women and children.

Adopted.

Report adopted and referred to Appropriations.

SB 178-FN, allowing the state to acquire rail properties for other transportation purposes, including recreational trails and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Public Works: Currently the state has first refusal for abandoned rail property when it is to be used for transportation purposes. This bill will allow the state to execute the same option for other state agencies. The Department of Resources and Economic Development for instance could then purchase recreational trails. This bill also allows for the use of private monies that have been donated to political subdivisions to be used for the purchase. Vote 16-1.

Amendment (2656B)

Amend RSA 228:60-b, II as inserted by section 2 of the bill by replacing it with the following:

II. The state of New Hampshire, acting through the commissioner with the approval of governor and council, may match any verifiable bona fide offer made for any rail properties within the limits of funds available to the commissioner for this purpose. *In the event that the property offered for sale to the commissioner is to be purchased for other transportation purposes, including recreational trails, funds for such purchase shall be identified and provided by the state agency or political subdivision requesting the commissioner to acquire the property. The department of transportation shall retain title to all land purchased under the right of first refusal. Cooperative use and management agreements with state agencies or political subdivisions providing acquisition funds shall be executed for parcels acquired with other than department of transportation funds. In the event that all or any part of the parcel so acquired is needed for transportation of goods or services of any kind or for any other purpose deemed necessary by the commissioner, the contributing entity shall be entitled to a refund of contribution or replacement land as determined by RSA 4:40.* Any such right of first refusal shall be offered in writing to the commissioner who shall notify such railroad corporation in writing of acceptance or rejection of such an offer within [60] 90 calendar days of receipt of such offer.

Adopted.

Report adopted and referred to Appropriations.

SB 151, requiring an animal population fee in addition to licensure fees for certain dogs and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. **OUGHT TO PASS WITH AMENDMENT**

Reps. Jennifer G. Soldati and Douglass P. Teschner for Ways and Means: This bill was passed by the House and referred to Ways and Means to review the fee structure. The committee amended the bill by reducing the fee from \$4 to \$2 and by deleting the section which establishes a dedicated fund. The Department of Agriculture will receive monies to implement this program corresponding to the amount generated by the fees. Vote 12-7.

Amendment (2664B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring an animal population fee in addition to licensure fees for certain dogs and establishing a state animal population control program and making an appropriation therefor.

Amend RSA 466:4, I(b) and (c) as inserted by section 1 of the bill by replacing them with the following:

(b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog, except those licensed under a group license, shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of \$2.

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the general fund.

Amend the bill by replacing all after section 1 with the following:

2 Statement of Intent. The general court recognizes that pet overpopulation is a growing problem in New Hampshire. Therefore, to protect the public health and safety from the problems of pet overpopulation, including the threat of mid-Atlantic rabies, the general court hereby establishes an animal population control program in section 3 of this act.

3 New Chapter; Animal Population Control. Amend RSA by inserting after chapter 437 the following new chapter:

CHAPTER 437-A

ANIMAL POPULATION CONTROL

437-A:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of agriculture.

II. "Department" means the department of agriculture.

437-A:2 Program Established. The department shall establish and implement an animal population control program. The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them permanently sexually sterilized, thereby reducing potential threats to public health and safety from mid-Atlantic rabies and other sources. The program shall not begin operation until the commissioner has determined that sufficient funds are available to begin operation of the program.

437-A:3 Eligibility of Owner of Dog or Cat to Participate.

I. A resident of the state who has adopted a dog or cat from an animal shelter facility, as defined in RSA 437:2, I, shall be eligible to participate in the program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the operation. The sterilization shall be performed by a participating veterinarian, and fee for the operation shall be \$25.

II. A resident of the state who owns a dog or cat and who is eligible for one of the following programs shall also be eligible to participate in a reduced fee companion animal population control program if the owner signs a consent form certifying that the person is the owner of the dog or cat or is authorized by the owner to present the dog or cat for the procedure and such person pays a fee of \$10:

(a) The Food Stamp Program authorized by Title XIII of the Food and Agriculture act of 1977 (7 U.S.C. section 2011 et seq.) and RSA 161:2, XIII.

(b) The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act (42 U.S.C. section 1381 et seq.).

(c) The Aid to Families with Dependent Children Act established pursuant to 42 U.S.C. section 601 et seq. and RSA 161-B.

(d) The Aid to the Needy Blind program established under RSA 161:2, V.

(e) The Medicaid program established under RSA 167.

(f) The Old Age Assistance program established under RSA 167.

(g) The Aid to the Permanently and Totally Disabled program established under RSA 167.

437-A:4 Veterinarian Participation.

I. Any veterinarian licensed in this state may participate in the program established under this chapter. A veterinarian shall file with the commissioner an application on which such veterinarian shall supply, in addition to any other information requested by the commissioner, an animal sterilization fee schedule listing the fees charged for animal sterilization in the normal course of business. These fees may vary with the animal's weight, sex and species. The commissioner may, however, disqualify from participation in the program any veterinarian whose fees are deemed unreasonable.

II.(a) The commissioner shall reimburse, to the extent funds are available, participating veterinarians for 80 percent of the fee for each animal sterilization procedure administered. To receive this reimbursement, the veterinarian shall submit an animal sterilization certificate which shall be signed by the veterinarian and the owner of the animal.

(b) For all animals sterilized under RSA 437-A:3, II, the commissioner shall also reimburse, to the extent funds are available, any licensed veterinarian of this state participating in such program for the presurgical immunization of dogs against rabies, distemper, hepatitis, leptospirosis, and parvovirus, or the presurgical immunization of cats against rabies, feline panleukopenia, calici, pneumonitis and rhinotracheitis, as the case may be. Reimbursement for the presurgical immunization shall be no more than \$15, upon the written certification, signed by the veterinarian and the owner of the animal, that the immunization has been administered. Owners of animals sterilized under RSA 437-A:3, II who have adopted such animals from shelters shall pay the cost of all presurgical immunizations directly to the participating veterinarian.

437-A:5 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A relative to:

I. Format and content of all forms required under this chapter.

II. Proof of eligibility under RSA 437-A:3, II.

III. Any other matter necessary for the administration of this chapter.

437-A:6 Enforcement; Administrative Fine. Any person who knowingly falsifies proof of eligibility for, or participation in, any program under this chapter, who furnishes any licensed veterinarian with inaccurate information concerning the ownership of an animal submitted for a sterilization procedure, who furnishes the commissioner with false information concerning an animal sterilization fee schedule or an animal sterilization certificate submitted pursuant to this chapter or who violates any provision of this chapter or rule adopted under this chapter may be subject to an administrative fine levied by the commissioner not to exceed \$1,000 for each violation.

4 Appropriation. The sum of \$160,000 for the fiscal year ending June 30, 1994, and the sum of \$160,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of agriculture for the purposes of this act. These appropriations shall lapse June 30, 1995, and shall be in addition to other funds appropriated to the department of agriculture. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Section 1 of this act shall take effect January 1, 1994.

II. The remainder of this act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill requires owners of dogs, which are not licensed under a group license, to pay an animal population control fee in addition to the license fee. The additional fee shall be used to establish an animal population control program to provide low-cost spaying and neutering services to eligible animal owners. The program is to be administered by the commissioner of the department of agriculture, and he is granted rulemaking authority for that purpose. The bill makes an appropriation for the purposes of the bill.

Adopted.

Rep. Dickinson offered a floor amendment.

Floor Amendment (2688B)

Amend RSA 437-A:2 as inserted by section 3 of the bill by replacing it with the following:

437-A:2 Program Established. The department shall establish and implement an animal population control program. The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them permanently sexually sterilized, thereby reducing potential threats to public health and safety from mid-Atlantic rabies and other sources. The program shall not begin operation until the commissioner has determined that sufficient funds are available to begin operation of the program. The commissioner shall make an annual report relative to the progress of the program beginning on September 1, 1994, to the president of the senate, the speaker of the house and the governor.

Amend the bill by replacing section 5 with the following:

5 Animal Population Control Fee Deleted. RSA 466:4 is repealed and reenacted to read as follows:

466:4 Fees.

I. The fee for every license for a year or portion of a year shall be:

(a) \$4.50 for a neutered male or spayed female dog; provided, however, that the owner or keeper of such spayed female dog or neutered male dog shall furnish a certificate from the person performing the operation to the satisfaction of the clerk of the town or city in which such dog is owned or kept; or

(b) \$7 for any unneutered male or unspayed female dog.

II. Notwithstanding paragraph I, the fee for every license for a year or a portion of a year shall be \$2 for a dog of either sex if the owner is 65 years of age or older; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in paragraph I.

III. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of his gross annual income from the sale or transfer of dogs.

6 Repeal. RSA 437-A, relative to animal population control, is repealed.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 1994.

II. Sections 5 and 6 of this act shall take effect July 1, 1997.

III. The remainder of this act shall take effect July 1, 1993.

AMENDED ANALYSIS

This bill requires owners of dogs, which are not licensed under a group license, to pay an animal population control fee in addition to the license fee. The additional fee shall be used to establish an animal population control program to provide low-cost spaying and neutering services to eligible animal owners. The program is to be administered by the commissioner of the department of agriculture, and he is granted rulemaking authority for that purpose. The bill makes an appropriation for the purposes of the bill.

The animal population control program is repealed on July 1, 1997.

Rep. Dickinson spoke in favor.

Adopted.

Report adopted and referred to Appropriations.

SB 168-FN, relative to oil terminal facility registration and small fuel oil facilities. **OUGHT TO PASS**

Rep. Garret P. Cowenhoven for Ways and Means: The committee concurs with the policy committee (Resources, Recreation & Development) that this bill is necessary. The bill establishes a fund to assist reimbursement costs incurred in cleaning up fuel oil discharges. Vote 17-0.

Adopted and ordered to third reading.

SB 169-FN-A, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer

of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. John F. Weeks, Jr. for Ways and Means: This bill is the result of a study committee (1991, 180:1) established to help speed up the environmental permit process, especially important whenever bank financing is involved. It establishes a fee system and appropriates money to fund a new position of hydrogeologist, enabling the Department of Environmental Services to carry out the intent. In light of DES testimony, the committee agrees the fees are reasonable, and unanimously supports this important measure. Vote 18-0.

Amendment (2678B)

Amend RSA 485:3-b as inserted by section 2 of the bill by replacing it with the following:
485:3-b Site Assessment Review Fee; Filing of Report Required.

I.(a) Any person, except for state and local governments including counties and political subdivisions, who requests an expedited review of environmental site assessment reports by the department shall pay to the department a review fee based on the equalized assessed valuation of the property as follows:

<i>Equalized Assessed Valuation</i>	<i>Fee</i>
\$0 to \$250,000	\$1,200
\$250,000 to \$500,000	\$1,500
\$500,000 to \$1,000,000	\$2,500
greater than \$1,000,000	\$5,000

(b) The department shall provide written comments within 60 days after the date such reports and the required fees are received by the department.

II. The department shall file notice in the registry of deeds for the county in which the property is located, that a review of an environmental site assessment has been completed. The filing cost shall be borne by the person requesting the review.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Applicability. The provisions of RSA 485:3-b as inserted by section 2 of this act shall apply to all reviews requested after the effective date of this act.

Adopted.

Report adopted and referred to Appropriations.

SB 170-FN-A-L, relative to the distribution of meals and rooms tax revenue. **OUGHT TO PASS WITH AMENDMENT**

Reps. Donna M. Soucy, Joyce May Johnson, and Garret P. Cowenhoven for Ways and Means: This bill changes the distribution of meals and rooms revenue back to its original revenue-sharing formula. The current \$4.1 million distributed annually to cities and towns will continue. Starting in fiscal year 1995, 75% of any increase over the previous year's meals and rooms tax will be returned to cities and towns on a per capita basis, not to exceed \$2 million. The cap for fiscal year 1996 would be \$3 million, for fiscal year 1997 it would be \$5 million until such time as the total amount is equal to 40%. It is projected that it will take at least 20 years to reach the original 60%/40% split. This bill takes a step towards increasing shared revenues to cities and towns. Vote 15-3.

Amendment (2495B)

Amend the introductory paragraph of RSA 78-A:26, I as inserted by section 2 of the bill by replacing it with the following:

I. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay over all revenue collected under this chapter to the state treasurer. On or before October 1 of each year, the department shall determine the cost of administration of this chapter for the fiscal year ending on the preceding June 30, and it shall notify the state treasurer of these costs by a report certified by them as to correctness. After deducting the cost of administration of the chapter from the total income, the state treasurer shall distribute the net income as follows:

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

Adopted.

Report adopted and referred to Appropriations.

SB 180-FN-L, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions. OUGHT TO PASS

Rep. Barbara E. Arnold for Ways and Means: The Ways and Means Committee dealt only with the fees in SB 180-FN. The first and second sections dealing with fees are already in HB 254, that has passed both chambers of the General Court and is waiting the signature of the Governor. The fees may be raised from \$10 to \$25. The committee felt that this was reasonable. Vote 16-0.

Adopted and ordered to third reading.

SB 203-FN-A, clarifying the applicability of the meals and rooms tax to colleges and universities. OUGHT TO PASS WITH AMENDMENT

Rep. Douglass P. Teschner for Ways and Means: This bill clarifies current law with regard to the exemption from the rooms and meals tax for educational activities by non-profit colleges, universities, schools and educational organizations. The committee amendment was developed with input from the colleges and universities, hospitality industry, and Department of Revenue Administration. Only those activities which serve educational purposes are exempt. Activities which compete with the for-profit hospitality industry are subject to the tax. The committee believes that this amended bill is a reasonable compromise which will have a minimal revenue impact. Vote 16-0.

Amendment (2559B)

Amend the bill by replacing all after section 2 with the following:

3 Definition of Occupancy; Educational Purposes. Amend RSA 78-A:3, VI to read as follows:

VI.(a) "Occupancy" means the use or possession, or the right to the use or possession, of any room in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of a room.

(b) The term "*occupancy*" does not include:

(1) Occupancy by a permanent resident, or by an employee of an operator when the occupancy is granted to the employee as pay for his employment, or any occupancy furnished in a seasonal camp for children under the age of 18 years; or

(2) *Occupancy at a facility or establishment owned or leased pursuant to a long-term agreement by an organization operated for educational purposes, which organization is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code, but only if occupancy at such facility or establishment is provided:*

(A) *To students regularly attending the organization;*

(B) *To employees, faculty members or administrative officials of the organization, but only if occupancy at such facility or establishment is provided in connection with responsibilities performed for the organization;*

(C) *To volunteers providing services in connection with the organization; or*

(D) *To any person, but only if occupancy at such facility or establishment is provided pursuant to an activity which is related to educational purposes and the sponsor of such activity is an organization exempt from federal income taxation under section 501(c) of the Internal Revenue Code or the federal or state government or an instrumentality thereof. The exemption provided by this subparagraph (b)(2)(D) shall not apply if occupancy at the facility or establishment is offered to the general public on a regular and continuous basis without regard to an activity which is related to educational purposes. For purposes of this subparagraph (b)(2)(D) "educational purposes" means:*

(i) *The instruction or training of an individual for the purpose of improving or developing the individual's capabilities;*

(ii) *The instruction of the public on subjects useful to the individual and beneficial to the community; or*

(iii) *With respect to a specific educational organization, the conduct of alumni, student or athletic functions or events.*

4 Meals Provided in Connection with Educational Purposes Exempt. RSA 78-A:3, X(c)(2) is repealed and reenacted to read as follows:

(2) Meals served or furnished by an organization operated for educational purposes, which organization is exempt from federal income taxation under section 501 (c)(3) of the

Internal Revenue Code, either directly through facilities owned and operated by such organization or indirectly through a catering or food service enterprise under contract with such organization, but only if such meals are served or furnished:

(A) To students regularly attending the organization;
 (B) To employees, faculty members or administrative officers of the organization;
 (C) Volunteers providing services in connection with the organization; or
 (D) To persons other than individuals described in subparagraphs (c)(2)(A), (c)(2)(B), or (c)(2)(C), but only if the meals are served or furnished pursuant to an activity which is related to educational purposes and the sponsor of such activity is an organization exempt from federal income taxation under section 501(c) of the Internal Revenue Code or the federal or state government of an instrumentality thereof. For purposes of subparagraph (c)(2)(D), "educational purposes" means:

(i) The instruction or training of an individual for the purpose of improving or developing the individual's capabilities;
 (ii) The instruction of the public on subjects useful to the individual and beneficial to the community; or
 (iii) With respect to a specific educational organization, the conduct of alumni, student or athletic functions or events.

(E) The exemptions provided by subparagraphs (c)(2)(B) and (c)(2)(D) shall not apply if the meals are served or furnished at a location where meals are offered to the general public on a regular and continuous basis without regard to an activity which is related to educational purposes.

5 Nonprofit Organization Exemption Clarified. Amend RSA 78-A:3, X(c)(7) to read as follows:

(7) Meals prepared and sold by nonprofit organizations other than educational institutions. However, if the nonprofit organization is required to have a license issued by the liquor commission other than a license issued pursuant to RSA 178:20, V(l), the meals are taxable meals;

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill clarifies that the college and university exemption from the meals and rooms tax extends to those meals or rooms which are offered to students, employees, faculty members, administrative personnel or volunteers, but only if such meals or rooms are provided pursuant to an activity which is related to educational purposes.

Rep. Teschner yielded to questions.

Adopted.

Report adopted and ordered to third reading.

SB 213-FN-A, relative to advance reservations on rooms. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse O. Plourde for Ways and Means: This bill as amended exempts rooms tax on advance deposits taken on room reservations when prospective occupant does not honor the reservation. However, when room or reservation is pre-paid, including tax, the tax is then paid to the state. Vote 16-0.

Amendment (2511B)

Amend RSA 78-A:6-a as inserted by section 1 of the bill by replacing it with the following:

78-A:6-a Exception to Tax. Advance deposits which are forfeited by a prospective occupant shall not be taxed under this chapter. However, if such advance deposit is a payment in full for a room rent, including tax, and is retained by the operator, the operator shall remit that portion of the payment which represents the meals and rooms tax to the state.

Adopted.

Report adopted and ordered to third reading.

SUSPENSION OF RULES

Reps. Michael Hill and Trombly moved that the Rules be so far suspended as to permit the House to take final action on Senate money bills on May 20, 1993, rather than May 18.

Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Rep. Channing Brown moved that the rules be so far suspended as to permit the Committee on Appropriations to hold hearings on bills referred to it today (SBs 94, 159, 196, 172, 209, 178, 151, 169 and 170) and Thursday, May 13, (SB 231) without the required four-day notice.

Adopted by the necessary two-thirds.

Reps. Cepaitis, Drabinowicz, Jeb Bradley and Rodeschin offered the following:

HOUSE RESOLUTION NO. 23

saluting Representative Bonnie Lou McCann for her service in the
New Hampshire House of Representatives

WHEREAS, State Representative Bonnie Lou McCann is currently serving her fourth term in the New Hampshire House of Representatives, ably representing Nashua's Ward 8, and

WHEREAS, Representative McCann is a member and clerk of the Committee on Environment and Agriculture, and

WHEREAS, she also serves the people of Nashua as an airport commissioner, and

WHEREAS, Representative McCann has worked tirelessly for passage of Clean Air legislation in New Hampshire and for her efforts has become known as one of the Three Muffleteers, and

WHEREAS, she is leaving New Hampshire and the House of Representatives to move to California and will be sorely missed by her colleagues and friends, and

WHEREAS, members of the Environment and Agriculture Committee will be eagerly awaiting word on whether Representative McCann's car will pass California's strict emissions laws, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Bonnie Lou McCann be saluted by members of the House of Representatives, with best wishes for a bright future in her new state, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to her during the House session on May 11, 1993.

Unanimously adopted.

RESOLUTION

Rep. Ann Torr offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 13, 1993 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 164-FN, relative to the OHRV fund.

SB 2-FN, redesignating a portion of New Hampshire Route 51 as New Hampshire Route 101.

SB 35-FN-A, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services and making an appropriation therefor.

SB 93-FN-A, relative to the National Science Foundation's statewide systemic initiatives program and making an appropriation therefor.

SB 141-FN-A, removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor.

SB 207-FN, relative to work incentives for families receiving Aid to Families with Dependent Children.

SB 241-FN-A, increasing the cap on the continually-appropriated revolving fund for educational publications.

SB 87, relative to capital investment, venture capital, capital access and the business finance authority and capital formation; and relative to ambulatory care clinics.

SB 193, relative to liability under the hazardous waste, oil spillage and underground storage facilities laws and amending statutory definitions to clarify the secured creditor exemption.

SB 39, making a technical correction in the enhanced 911 system law and specifying a 4-year term for the executive director of the bureau of emergency communications.

SB 168-FN, relative to oil terminal facility registration and small fuel oil facilities.

SB 180-FN-L, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions.

SB 203-FN-A, clarifying the applicability of the meals and rooms tax to colleges and universities.

SB 213-FN-A, relative to advance reservations on rooms.

UNANIMOUS CONSENT

Reps. Kidder and Wells addressed the House.

ENROLLED BILLS REPORT

HB 125, relative to federal funding for rebuilding, modernizing, and maintaining rail properties.

HB 215, relative to extradition.

HB 220, relative to the committee studying the real estate valuation and revaluation process.

HB 335, relative to listing the names of candidates on ballots used in voting machines.

HB 349, requiring that the selectmen or assessing officials be allowed access to property as a prerequisite to appeal of any matter pertaining to a property tax.

HB 537, relative to registration of sexual offenders.

HB 585, requiring state agencies to purchase recycled materials.

HB 595, allowing HIV testing for AIDS of a perpetrator of certain crimes at the request of the victim.

HB 601, exempting from real estate transfer tax certain transfers between land trusts and housing cooperatives.

HB 607, relative to the plea-by-mail program.

HB 682, reducing the number of peremptory challenges to jurors available to both prosecutors and defense in a trial for murder in the first degree.

HB 693, legalizing the actions of the Kingston town meeting.

SB 5, repealing article 6 on the uniform commercial code on bulk sales and making conforming amendments.

SB 78, requiring that student records of transferring students be provided upon request.

Rep. Amidon, Sen. Currier for the Committee

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:50 p.m.

RECESS

Rep. John Flanders moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 25

Thursday, May 13, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of boundless compassion from Whom we can expect an ocean full of mercy in response to a thimbleful of prayer, strengthen our faith, increase our support of one another and make us citizens in the land of hope where we may be bold enough to speak words of wisdom and healing, to love deeply without thought of return and to prepare a world fit for future generations. Amen.

Rep. Carl Johnson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Charles Cote, Palmer, Record, Mason, Marilyn Campbell and Hashem, the day, illness.

Reps. Dewhirst, Marcia Pelletier, Below, Ralph Torr, Simon, Vivian Clark, O'Keefe, Teague, Guest, Crum, Boucher, Mayhew, Joyce Johnson, Richards, Stapleton, Lucien Bergeron, Douglass, Warburton, Weyler, Stone, Terninko, Newman, Horton, Gargiulo, Sargent, David Flanders and Moncrief, the day, important business.

Rep. Amidon, the day, death in the family.

Reps. Patricia Cote and Holmes, the day, illness in the family.

INTRODUCTION OF GUESTS

Mr. & Mrs. Richard Ahern, their son Kenneth and Mrs. Frances Ahern Bogart, guests of Rep. Ahern. The fourth grade class and their teachers Mrs. Steckert, Mrs. O'Mare and Mrs. Forbes, from the Woodland Heights Elementary School in Laconia, guests of Rep. Rosen. Warren Young, guest of Rep. Gene Chandler. Beverly Briggs, guest of Rep. Perkins. Harry Castros, guest of Rep. Robertson. Cordelia Sharpf and her mother Sophia Sharpf, guests of Rep. Owen.

ENROLLED BILLS AMENDMENTS

HB 163-FN, establishing a leaking underground storage tank cost recovery fund.

Amendment (2697B)

Amend the title of the bill by replacing it with the following:

AN ACT

establishing and continually appropriating a leaking underground storage tank cost recovery fund.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingency; Renumbering. If any other act of the 1993 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1993 session laws.

Adopted.

HB 271, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws.

Amendment (2694B)

Amend section 2 of the bill by replacing it with the following:

2 New Paragraph; Definition. Amend RSA 147-A:2 by inserting after paragraph XII-a the following new paragraph:

XII-b. "Serious bodily injury" means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or the function of any part of the body.
Adopted.

SENATE MESSAGES CONCURRENCE WITH AMENDMENTS

SB 17-FN-A, establishing a committee to study methods of preventing and resolving disputes relative to educationally disabled students.

SB 49, establishing a committee to study the feasibility of establishing a commercial shellfish and oyster aquaculture program.

SB 50, extending the report date and adding additional members to the law enforcement and prosecutor task force.

SB 60, relative to solicitation of prostitutes.

SB 62, establishing a committee to study child support issues.

SB 72, relative to central business service districts and relative to the definition of "municipality."

SB 100, protecting animal facilities and organizations or projects involving animals.

SB 106, relative to a northeast interstate dairy compact.

SB 117, relative to the appointment of and payment of fees to guardians ad litem.

SB 173, creating a correctional industries advisory board.

SB 248-FN-A, establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in New Hampshire.

CONCURRENCE

HB 176-FN, establishing a procedure to test and quarantine equines imported from CEM countries.

HB 233, relative to the equipment challenge grant program.

HB 244, relative to parking violation enforcement.

HB 278, relative to joint building committees for the construction of schoolhouses.

HB 393, relative to duties of supervisors of a checklist.

HB 665-FN-A, establishing a committee to study the effects and feasibility of a statewide property tax to fund education.

HB 692, transferring rulemaking authority from the current use board to the chairman of the current use board, who will implement the recommendations of the board.

RE-REFERRED

HB 106-FN, removing the requirement that the state vaccinate bovines against brucellosis.

HB 288, relative to teacher representation on the New Hampshire retirement system board of trustees.

HB 591-FN-L, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card.

HB 624-FN, creating a unit within the department of environmental services to certify certain scientists.

NONCONCURRENCE

HB 381, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot.

SPECIAL ORDERS

SB 236-FN-A, allowing a tax credit against the business profits tax for certain businesses.
RE-REFER TO COMMITTEE

Rep. Fredrik Peyron for Economic Development: This subject matter is worthy of study in depth and the House Economic Development Committee would like to study this bill with Ways and Means and expand the study to cover, for the first time from the House viewpoint: 1) how can and should the state encourage venture capital investment from its citizens and corporations; 2) how can and should the state encourage investments in research and development by the private sector; 3) can and should the state have in place an entity to receive grants anticipating enactment of the President's proposal relative to tuition credits for community service. Vote 13-0.

Adopted.

Rep. Record wished to be recorded in favor of the Committee report.

SB 231-FN-A-L, relative to lead poisoning and control and continually appropriating a fund to the director of public health services. **OUGHT TO PASS**

Rep. Kathleen W. Ward for Executive Departments and Administration: Although the committee heard 3-1/2 hours of public testimony and were contacted by many over the weekend, we did not have time to review and propose strengthening amendments. We recognize the need for this legislation and, therefore, recommend its passage. Vote 10-7.

Rep. Cepaitis spoke against.

Reps. Ward and Robert Foster spoke in favor.

Rep. Copenhaver spoke in favor and yielded to questions.

Rep. Rothhaus moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass, and spoke in favor.

Rep. Lozeau spoke against and yielded to questions.

Rep. McGrath yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 159**NAYS 187****YEAS 159****BELKNAP**

Bartlett, Gordon
Hawkins, Robert
Lawton, David

Cain, Thomas
Holbrook, Robert
Rice, Thomas, Jr.

Golden, Paul
Johnson, Carl
Young, Niel

Hauck, William
Laffam, Robert

CARROLL

Beach, Mildred
Mock, Henry
Wiggin, Gordon

Cogswell, Richard
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Pearson, Gertrude

Delano, Robert
Perry, David

Hunt, John
Royce, H. Charles

Metzger, Katherine
Smith, Edwin

COOS

Harwell, Tyler

Merrill, Gerald

Pratt, Leighton

GRAFTON

Chase, Paul, Jr.
Wadsworth, Karen

Eaton, Stephanie
White, Paul

Hill, Richard

Rose, William

HILLSBOROUGH

Ahrens, Frederick
Bowers, Dorothy
Clemons, Jane
Dodge, Emma
Drolet, Paul
Fenton, James
Healy, Daniel
Hunter, Bruce
L'Heureux, Robert
Paquette, Rodolphe
Riley, Frances
Smith, Leonard
Weergang, Alida

Andrews, Frederick
Burke, M. Virginia
Cowenhoven, Garret
Domaingue, Jacquelyn
Dyer, Merton
Foster, Linda
Holley, Sylvia
Jean, Claudette
Leclerc, Charles
Pepino, Leo
Rodgers, G. Philip
Tate, Joan
Wells, Peter, Sr.

Arnold, Thomas, Jr.
Calawa, Leon, Jr.
Daniels, Gary
Donovan, Francis
Dykstra, Leona
Greenberg, Gary
Holt, David
Jean, Loren
McNerney, Daniel
Peters, Stanley
Rothhaus, Finlay
Turgeon, Roland
Wheeler, Robert

Borsa, Andrew
Cepaitis, Elizabeth
Desrosiers, William
Drabinowicz, A. Theresa
Eliades, George
Hart, Nick
Holt, Mark
Kelley, Dana
Mercer, Robert
Rheault, Lillian
Sallada, Roland
Upton, Barbara
Wright, George

MERRIMACK

Apple, Lowell
Houlahan, Thomas
Pfaff, Terence

Barberia, Richard
Kennedy, Richard
Shaw, Randall

Chandler, John
Langer, Ray
Whalley, Michael

Gilbreth, Robert
Owen, Derek
Willis, Jack

ROCKINGHAM

Amdt, Janet
 Chester, Sherman
 DiPietro, Carmela
 Felch, Charles, Sr.
 Gorman, Donald
 Kruse, Fred
 McKinney, Betsy
 Pullman, Robert
 Rubin, George
 Stritch, C. Donald
 Yennaco, Carol

Beaulieu, Jon
 Christie, Andrew, Jr.
 Dowd, Sandra
 Fesh, Robert
 Hutchinson, Karen
 Lee, Rebecca
 Miller, Don
 Putnam, Ed, II
 Schanda, Joseph, Sr.
 Sytek, John

Blake, Daniel
 Conroy, Janet
 Dowling, Patricia
 Flanagan, Natalie
 Johnson, Robert
 Lovejoy, Marian
 Noyes, Richard
 Ritzo, Eugene
 Smith, Arthur
 Welch, David

Bove, Martin
 Crossman, Harold, Jr.
 Drake, Herbert
 Gage, Beverly
 Katsakiores, George
 Malcolm, Kenneth
 Packard, Sherman
 Rosencrantz, James
 St. Martin, Tommy
 Williamson, William

STRAFFORD

Brown, Julie
 Keans, Sandra
 Nehring, William
 Vincent, Francis

Chagnon, Ronald
 Kincaid, William
 Pageotte, Donald
 Wasson, Richard

Dunlap, Patricia
 McKinley, Robert
 Spear, Barbara

Hilliard, Dana
 Musler, George
 Sullivan, Henry

SULLIVAN

Domini, Irene

Peyron, Fredrik

Stamatakis, Carol

**NAYS 187
BELKNAP**

Campbell, Richard, Jr.
 Turner, Robert

Rosen, Ralph
 Ziegra, Alice

Salatiello, Thomas

Smith, Linda

CARROLL

Bradley, Jeb

Chandler, Gene

Foster, Robert

CHESHIRE

Bonneau, Sarah
 DePecol, Benjamin
 Manning, Joseph
 Richardson, Barbara

Burnham, Daniel
 Foster, Katherine
 McGuirk, Paul
 Riley, William

Champagne, Richard
 Kingsbury, H. Thayer
 McNamara, Wanda
 Robertson, Timothy

Cole, Stacey
 Lynch, Margaret
 Pratt, Irene
 Russell, Ronald

COOS

Bradley, Paula
 Hawkinson, Marie

Coulombe, Henry
 Mears, Edgar

Foss, Frederic
 Wiswell, James

Guay, Lawrence

GRAFTON

Adams, Carl
 Brown, Patricia
 Ham, Bonnie
 Scanlan, David

Bean, Pamela
 Copenhaver, Marion
 Larson, Nils, Jr.
 Teschner, Douglass

Brown, Alson
 Driscoll, William
 McIlwaine, Deborah
 Trelfa, Richard

Brown, Channing
 Gordon, Edward
 Nordgren, Sharon
 Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
 Arnold, Barbara
 Buckley, Raymond
 Durham, Susan
 Franks, Suzan
 Gosselein, Gerald
 Holden, Carol
 Kirby, Thomas
 Lessard, Rudy
 McCann, Bonnie
 Milligan, Robert

Ahern, Richard
 Asselin, Robert
 Chabot, Robert
 Dwyer, Patricia
 Gage, Ruth
 Haettenschwiller, Alphonse
 Jasper, Shawn
 Kurk, Neal
 Lown, Elizabeth
 McCarty, Winston
 Mittelman, David

Ahlgren, Madelyn
 Bagley, Amy
 Cote, David
 Ferguson, Charles
 Gagnon, Eugene
 Hall, Betty
 Johnson, Lionel
 Lachut, Ervin
 Lozeau, Donnalee
 McRae, Karen
 Moore, Elizabeth

Allen, W. Gordon
 Bergeron, Normand
 Crotty, Edward
 Fields, Dennis
 Gervais, Glen
 Hanselman, Gregory
 Kelley, Robert
 Laughlin, J. Francis
 Martin, Mary Ellen
 Messier, Irene
 Morello, Michael

Morrisette, Roland
Packard, Bonnie
Reidy, Frank
Toomey, Kathryn

Murphy, Robert
Perkins, Paul
Searles, Stanley, Sr.
Vanderfosk, Stanley

Nardi, Theodora
Philbrook, Paula
Soucy, Donna
White, John

O'Rourke, Joanne
Plourde, Alphonse
Soucy, Richard

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Gross, Caroline
Kidder, William
Nichols, Avis
Trombly, Rick
Yeaton, Charles

Buessing, Marjorie
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Regan, Maurice
Wallner, Mary Jane

Carter, Susan
Fillion, Paul
Hill, Michael
Moore, Carol
Rogers, Katherine
Ward, Jay

Daneault, Gabriel
French, Barbara
Johnson, C. William
Newland, Matthew
Soldati, Jennifer
Weeks, John, Jr.

ROCKINGHAM

Battles, Marjorie
Coes, Betsy
Hemenway, Thomas
Klemarczyk, Thaddeus
Pantelakos, Laura
Skinner, Patricia
Woods, Deborah

Bell, Juanita
Dube, LeRoy
Hurst, Sharleene
Klemm, Arthur, Jr.
Pratt, Katharin
Syracusa, Anthony

Caswell, Albert, Jr.
Flanders, John, Sr.
Johnson, Bill
McGovern, Cynthia
Raynowska, Bernard
Sytek, Donna

Clark, Martha
Groves, Bonnie
Kane, Cecelia
Moore, Benjamin
Senter, Merilyn
Vaughn, Charles

STRAFFORD

Brown, George
Hemon, Roland
McCann, William, Jr.
O'Brien, John
Torr, Ann

Callaghan, Frank
Knowles, William
McGrath, J. Gregory
Pelletier, Arthur
Torr, Franklin

Gilmore, Gary
Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Wall, Janet

Hambrick, Patricia
Lundborn, Raymond
Merritt, Deborah
Snyder, Clair
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Rodeschin, Beverly

Behrens, Thomas
Holl, Ann
Schotanus, Merle

Burling, Peter
Kane, Joan

Cloutier, John
Lindblade, Eric

and the motion failed.

Report adopted and referred to Appropriations.

Rep. Record wished to be recorded in opposition to the Committee report.

REGULAR CALENDAR

SB 218-FN, relative to the child protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Carol H. Holden for the Majority of Children, Youth and Juvenile Justice: SB 218 amends the Child Protection Act by permitting removal of an alleged perpetrator from the home. A reasonable cause standard is provided in the new emergency relief section. The House amendment adds that the court may issue such additional orders as may be necessary to safeguard the interest of the child and increases the size of the study committee. Vote 14-6.

Reps. Eugene L. Gagnon, Gary C. Greenberg, Sylvia A. Holley, Lillian I. Rheault, Irene C. Domini and L. Randy Lyman for the Minority of Children, Youth and Juvenile Justice: The Committee was divided in its deliberations. A rushed deadline, amendment submitted on the day the vote was taken did not allow an appropriate time for the committee to review this bill in detail. Concerns were: legal versus protective custody, ambiguity of terms, balance of committee, and severe loss of due process. The minority recommends Re-refer to Committee.

Amendment (2681B)

Amend the bill by deleting section 10 and renumbering sections 11-25 to read as 10-24, respectively.

Amend the bill by replacing section 10 with the following:

10 New Subparagraphs; Order of Protection; Other Orders. Amend RSA 169-C:16, I by inserting after subparagraph (c) the following new subparagraphs:

(d) Issue an order of protection setting forth conditions of behavior by a parent, relative, guardian, custodian, or a household member. Such order may require any such person to:

(1) Stay away from the premises, another party, or the child.

(2) Permit a parent or other named person to visit the child at stated periods and under such conditions as the court may order.

(3) Abstain from harmful conduct with respect to the child or any person to whom custody of the child is awarded.

(4) Correct specified deficiencies in the home.

(5) Refrain from specified acts of commission or omission that tend to make the home a harmful environment for the child.

(e) Issue such additional orders as may be necessary to safeguard the interest of the child.

Amend RSA 169-C:19, II(a)(4) as inserted by section 14 by replacing it with the following:

(4) Correct specified deficiencies in the home.

Amend the bill by replacing section 18 with the following:

18 Committee Established; Membership. There is established a committee to study child protection issues. The committee shall consist of the following members:

I. Two members of the senate, appointed by the president of the senate.

II. Two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader.

III. The director of the division for children and youth services, or a designee.

IV. One member who is an attorney and a member of the New Hampshire Bar Association, experienced in child protection cases, appointed by the New Hampshire Bar Association.

V. One member representing the New Hampshire Alliance for Children and Youth.

VI. One member representing the Alliance for Family Rights.

VII. One member who is a district court judge, appointed by the chief justice of the supreme court.

VIII. One law enforcement officer, experienced in child protection cases, appointed by the president of the New Hampshire Police Chiefs Association.

IX. One member representing Parents for Justice.

X. One member representing CASA.

XI. One member of Victims of Child Abuse Laws (VOCAL).

XII. The director of New Hampshire Catholic Charities, or a designee.

XIII. The director of Child and Family Services, or a designee.

XIV. The director of the New Hampshire Alliance for Good Government, or a designee.

XV. The director of the Parents Rights Association, or a designee.

XVI. Two public members appointed by the governor.

XVII. One member appointed by the attorney general.

XVIII. One principal appointed by the New Hampshire Association of School Principals.

XIX. The director of the division of mental health and developmental services, or a designee.

XX. One physician appointed by the New Hampshire Medical Society.

Amend the bill by replacing section 21 with the following:

21 Meetings. The first meeting of this committee shall be called within 60 days after the effective date of this act by the first-named member of the committee. Meeting dates and places shall be set at the discretion of the chairperson.

Amend the bill by replacing section 23 with the following:

23 Repeal. The following are repealed:

I. RSA 169-C:3, IV, relative to the bureau of children.

II. RSA 169-C:28-a, relative to household members.

AMENDED ANALYSIS

This bill makes revisions to the child protection act by:

1. Replacing and redefining certain terms.
2. Permitting removal of an alleged perpetrator from the home.

3. Providing a new section relative to emergency interim relief.
 4. Revising those sections pertaining to:
 - (a) Petition requirements.
 - (b) Summons and notice requirements.
 - (c) Preliminary hearing procedures.
 - (d) Preliminary disposition procedures.
 - (e) Adjudicatory hearing procedures.
 5. Revising and reorganizing the section pertaining to dispositional hearings.
 6. Replacing the term "social worker" with "child protective services worker," and replacing the term "bureau" with "division."
 7. Replacing a section on household members which has been incorporated into other sections.
 8. Establishing a 2-year study committee to study child protection issues.
- Reps. Cogswell and Daniels spoke against and yielded to questions.
 Rep. Burling yielded to questions.
 Rep. Woods spoke in favor and yielded to questions.
 Roll call request sufficiently seconded. The question being the adoption of the amendment.

YEAS 229**NAYS 112****YEAS 229****BELKNAP**

Campbell, Richard, Jr.
Smith, Linda

Hawkins, Robert
Turner, Robert

Holbrook, Robert
Ziegler, Alice

Salatiello, Thomas

CARROLL

Beach, Mildred

Foster, Robert

Philbrick, Donald

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy

Burnham, Daniel
Foster, Katherine
McGuirk, Paul
Perry, David
Russell, Ronald

Champagne, Richard
Kingsbury, H. Thayer
McNamara, Wanda
Pratt, Irene
Smith, Edwin

Cole, Stacey
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara

COOS

Bradley, Paula
Harwell, Tyler
Wiswell, James

Coulombe, Henry
Hawkinson, Marie

Foss, Frederic
Mears, Edgar

Guay, Lawrence
Merrill, Gerald

GRAFTON

Adams, Carl
Brown, Patricia
Hill, Richard
Scanlan, David
Ward, Kathleen

Bean, Pamela
Copenhaver, Marion
Larson, Nils, Jr.
Teschner, Douglass

Brown, Alson
Driscoll, William
McIlwaine, Deborah
Trelfa, Richard

Brown, Channing
Gordon, Edward
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ackerman, Philip
Andrews, Frederick
Bergeron, Normand
Clemons, Jane
Donovan, Francis
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Jean, Claudette
Lachut, Ervin

Ahern, Richard
Arnold, Barbara
Bowers, Dorothy
Cote, David
Drolet, Paul
Ferguson, Charles
Gage, Ruth
Hall, Betty
Johnson, Lionel
Lefebvre, Roland

Ahlgren, Madelyn
Asselin, Robert
Buckley, Raymond
Cowenhoven, Garret
Durham, Susan
Fields, Dennis
Gervais, Glen
Holden, Carol
Kelley, Robert
Lessard, Rudy

Allen, W. Gordon
Bagley, Amy
Cepaitis, Elizabeth
Crotty, Edward
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Holt, Mark
Kirby, Thomas
Lozeau, Donnalée

Martin, Mary Ellen
McRae, Karen
Moore, Elizabeth
Nardi, Theodora
Philbrook, Paula
Soucy, Donna
White, John

McCann, Bonnie
Messier, Irene
Morello, Michael
O'Rourke, Joanne
Reidy, Frank
Toomey, Kathryn

McCarty, Winston
Milligan, Robert
Morrissette, Roland
Pepino, Leo
Sallada, Roland
Turgeon, Roland

McNerney, Daniel
Mittelman, David
Murphy, Robert
Peters, Stanley
Smith, Leonard
Vanderlosk, Stanley

MERRIMACK

Apple, Lowell
Chandler, John
Fillion, Paul
Hill, Michael
Moore, Carol
Regan, Maurice
Wallner, Mary Jane
Yeaton, Charles

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Johnson, C. William
Newland, Matthew
Rogers, Katherine
Ward, Jay

Buessing, Marjorie
Dunn, Miriam
Gross, Caroline
Kidder, William
Nichols, Avis
Soldati, Jennifer
Weeks, John, Jr.

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Owen, Derek
Trombly, Rick
Willis, Jack

ROCKINGHAM

Battles, Marjorie
Clark, Martha
Dowd, Sandra
Gage, Beverly
Katsakiores, George
McGovern, Cynthia
Pantelakos, Laura
Rubin, George
St. Martin, Tommy
Vaughn, Charles

Bell, Juanita
Coes, Betsy
Dube, LeRoy
Hurst, Sharleene
Klemarczyk, Thaddeus
McKinney, Betsy
Pratt, Katharin
Schanda, Joseph, Sr.
Syracusa, Anthony
Welch, David

Caswell, Albert, Jr.
Conroy, Janet
Flanagan, Natalie
Johnson, Robert
Kruse, Fred
Miller, Don
Ritzo, Eugene
Senter, Merilyn
Sytek, Donna
Woods, Deborah

Christie, Andrew, Jr.
Crossman, Harold, Jr.
Flanders, John, Sr.
Kane, Cecelia
Lee, Rebecca
Noyes, Richard
Rosencrantz, James
Skinner, Patricia
Sytek, John
Yennaco, Carol

STRAFFORD

Brown, George
Gillmore, Gary
Knowles, William
McGrath, J. Gregory
Musler, George
Pelletier, Arthur
Torr, Ann

Brown, Julie
Hambrick, Patricia
Loder, Suzanne
McKinley, Robert
Nehring, William
Rogers, Rose Marie
Torr, Franklin

Callaghan, Frank
Keans, Sandra
Lundborn, Raymond
Merrill, Amanda
O'Brien, John
Snyder, Clair
Wall, Janet

Dunlap, Patricia
Kincaid, William
McCann, William, Jr.
Merritt, Deborah
Pageotte, Donald
Spear, Barbara
Wheeler, Katherine

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Kane, Joan
Schotanus, Merle

Cloutier, John
Lindblade, Eric
Stamatakis, Carol

NAYS 112 BELKNAP

Bartlett, Gordon
Johnson, Carl
Rosen, Ralph

Cain, Thomas
Laffam, Robert
Young, Niel

Golden, Paul
Lawton, David

Hauck, William
Rice, Thomas, Jr.

Bradley, Jeb
Lyman, L. Randy
Wiggin, Gordon

Chandler, Gene
Mock, Henry

Cogswell, Richard
Saunders, Howard

Dickinson, Howard, Jr.
Wiggin, Allen

CHESHIRE

Avery, Stephen

Delano, Robert

Hunt, John

Royce, H. Charles

COOS

Pratt, Leighton

GRAFTONChase, Paul, Jr.
Rose, WilliamEaton, Stephanie
White, Paul

Ham, Bonnie

LaMott, Paul

HILLSBOROUGHAhrens, Frederick
Calawa, Leon, Jr.
Dodge, Emma
Eliades, George
Hanselman, Gregory
Hunter, Bruce
Kurk, Neal
Packard, Bonnie
Rheault, Lillian
Searles, Stanley, Sr.
Weergang, AlidaArnold, Thomas, Jr.
Chabot, Robert
Domaigne, Jacquelyn
Fenton, James
Healy, Daniel
Jasper, Shawn
L'Heureux, Robert
Paquette, Rodolphe
Riley, Frances
Soucy, Richard
Wells, Peter, Sr.Borsa, Andrew
Daniels, Gary
Drabinowicz, A. Theresa
Gagnon, Eugene
Holley, Sylvia
Jean, Loren
Laughlin, J. Francis
Perkins, Paul
Rodgers, G. Philip
Tate, Joan
Wheeler, RobertBurke, M. Virginia
Desrosiers, William
Dykstra, Leona
Greenberg, Gary
Holt, David
Kelley, Dana
Leclerc, Charles
Plourde, Alphonse
Rothhaus, Finlay
Upton, Barbara
Wright, George**MERRIMACK**Barberia, Richard
Pfaff, TerenceHoulahan, Thomas
Shaw, Randall

Kennedy, Richard

Langer, Ray

ROCKINGHAMAranda, M. Kathryn
Bove, Martin
Drake, Herbert
Hemenway, Thomas
Lovejoy, Marian
Pullman, Robert
Stritch, C. DonaldArndt, Janet
Chester, Sherman
Felch, Charles, Sr.
Hutchinson, Karen
Malcolm, Kenneth
Putnam, Ed, II
Williamson, WilliamBeaulieu, Jon
DiPietro, Carmela
Gorman, Donald
Johnson, Bill
Moore, Benjamin
Raynowska, BernardBlake, Daniel
Dowling, Patricia
Groves, Bonnie
Klemm, Arthur, Jr.
Packard, Sherman
Smith, Arthur**STRAFFORD**Chagnon, Ronald
Wasson, Richard

Hemon, Roland

Sullivan, Henry

Vincent, Francis

SULLIVAN

Domini, Irene

and the amendment was adopted.

Rep. Cogswell moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Reps. Hutchinson and Holley spoke in favor.

Reps. Holden, Irene Pratt and Carol Moore spoke against.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 123**NAYS 209****YEAS 123****BELKNAP**Bartlett, Gordon
Lafiam, RobertCain, Thomas
Lawton, DavidGolden, Paul
Rice, Thomas, Jr.Johnson, Carl
Rosen, Ralph**CARROLL**Beach, Mildred
Dickinson, Howard, Jr.
Wiggin, GordonBradley, Jeb
Lyman, L. RandyChandler, Gene
Mock, HenryCogswell, Richard
Wiggin, Allen

CHESHIRE

Avery, Stephen
Royce, H. Charles

Delano, Robert

Hunt, John

Metzger, Katherine

COOS

Foss, Frederic

Merrill, Gerald

Pratt, Leighton

GRAFTON

Chase, Paul, Jr.
LaMott, Paul

Eaton, Stephanie
Rose, William

Gordon, Edward
White, Paul

Ham, Bonnie

HILLSBOROUGH

Ahrens, Frederick
Burke, M. Virginia
Daniels, Gary
Drabinowicz, A. Theresa
Gagnon, Eugene
Holley, Sylvia
Jasper, Shawn
L'Heureux, Robert
Paquette, Rodolphe
Rothhaus, Finlay
Upton, Barbara

Andrews, Frederick
Calawa, Leon, Jr.
Desrosiers, William
Dykstra, Leona
Greenberg, Gary
Holt, David
Jean, Loren
McRae, Karen
Perkins, Paul
Searles, Stanley, Sr.
Weergang, Alida

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Dodge, Emma
Eliades, George
Hanselman, Gregory
Holt, Mark
Kelley, Dana
Mercer, Robert
Plourde, Alphonse
Soucy, Richard
Wells, Peter, Sr.

Borsa, Andrew
Chabot, Robert
Domaingue, Jacquelyn
Fenton, James
Healy, Daniel
Hunter, Bruce
Kurk, Neal
Packard, Bonnie
Rheault, Lillian
Tate, Joan
Wheeler, Robert

MERRIMACK

Apple, Lowell
Kennedy, Richard
Ward, Jay

Barberia, Richard
Langer, Ray

Buessing, Marjorie
Nichols, Avis

Houlahan, Thomas
Shaw, Randall

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Drake, Herbert
Gorman, Donald
Johnson, Bill
Malcolm, Kenneth
Pullman, Robert
Rosencrantz, James
Williamson, William

Arndt, Janet
Chester, Sherman
Felch, Charles, Sr.
Groves, Bonnie
Klemm, Arthur, Jr.
McKinney, Betsy
Putnam, Ed, II
Smith, Arthur

Beaulieu, Jon
DiPietro, Carmela
Fesh, Robert
Hemenway, Thomas
Lee, Rebecca
Noyes, Richard
Raynowska, Bernard
Stritch, C. Donald

Blake, Daniel
Dowling, Patricia
Gage, Beverly
Hutchinson, Karen
Lovejoy, Marian
Packard, Sherman
Ritzo, Eugene
Welch, David

STRAFFORD

Hilliard, Dana

Sullivan, Henry

Vincent, Francis

Wasson, Richard

SULLIVAN

Domini, Irene

NAYS 209**BELKNAP**

Campbell, Richard, Jr.
Salatiello, Thomas

Hauck, William
Smith, Linda

Hawkins, Robert
Turner, Robert

Holbrook, Robert
Ziegra, Alice

CARROLL

Foster, Robert

Philbrick, Donald

Saunders, Howard

CHESHIRE

Bonneau, Sarah
Foster, Katherine
McGuirk, Paul
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Smith, Edwin

Champagne, Richard
Lynch, Margaret
Pearson, Gertrude
Riley, William

Cole, Stacey
Manning, Joseph
Perry, David
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Wiswell, James

Guay, Lawrence

Hawkinson, Marie

GRAFTON

Adams, Carl
Brown, Patricia
Larson, Nils, Jr.
Teschner, Douglass

Bean, Pamela
Copenhaver, Marion
McIlwaine, Deborah
Trelfa, Richard

Brown, Alson
Driscoll, William
Nordgren, Sharon
Wadsworth, Karen

Brown, Channing
Hill, Richard
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
Arnold, Barbara
Bowers, Dorothy
Cowenhoven, Garret
Durham, Susan
Fields, Dennis
Gervais, Glen
Holden, Carol
Kirby, Thomas
Lefebvre, Roland
McCann, Bonnie
Milligan, Robert
Morrissette, Roland
Peters, Stanley
Smith, Leonard
Vanderlosk, Stanley

Ahern, Richard
Asselin, Robert
Buckley, Raymond
Crotty, Edward
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Jean, Claudette
Lachut, Ervin
Lessard, Rudy
McCarty, Winston
Mittelman, David
Murphy, Robert
Philbrook, Paula
Soucy, Donna
White, John

Ahlgren, Madelyn
Bagley, Amy
Clemons, Jane
Donovan, Francis
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Johnson, Lionel
Laughlin, J. Francis
Lozeau, Donnalee
McNerney, Daniel
Moore, Elizabeth
Nardi, Theodora
Reidy, Frank
Toomey, Kathryn

Allen, W. Gordon
Bergeron, Norman
Cote, David
Drolet, Paul
Ferguson, Charles
Gage, Ruth
Hall, Betty
Kelley, Robert
Leclerc, Charles
Martin, Mary Ellen
Messier, Irene
Morello, Michael
O'Rourke, Joanne
Sallada, Roland
Turgeon, Roland

MERRIMACK

Braiterman, Thea
Dunn, Miriam
Gross, Caroline
Kidder, William
Owen, Derek
Trombly, Rick
Willis, Jack

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Regan, Maurice
Wallner, Mary Jane
Yeaton, Charles

Chandler, John
Fillion, Paul
Hill, Michael
Moore, Carol
Rogers, Katherine
Weeks, John, Jr.

Daneault, Gabriel
French, Barbara
Johnson, C. William
Newland, Matthew
Soldati, Jennifer
Whalley, Michael

ROCKINGHAM

Battles, Marjorie
Coes, Betsy
Dube, LeRoy
Johnson, Robert
Kruse, Fred
Rubin, George
Syracusa, Anthony
Woods, Deborah

Bell, Juanita
Conroy, Janet
Flanagan, Natalie
Kane, Cecelia
Miller, Don
Schanda, Joseph, Sr.
Sytek, Donna
Yennaco, Carol

Christie, Andrew, Jr.
Crossman, Harold, Jr.
Flanders, John, Sr.
Katsakiores, George
Pantelakos, Laura
Skinner, Patricia
Sytek, John

Clark, Martha
Dowd, Sandra
Hurst, Sharleene
Klemarczyk, Thaddeus
Pratt, Katharin
St. Martin, Tommy
Vaughn, Charles

STRAFFORD

Brown, George
Dunlap, Patricia
Keans, Sandra
Lundborn, Raymond
Merrill, Amanda
Pelletier, Arthur
Torr, Ann

Brown, Julie
Gilmore, Gary
Kincaid, William
McCann, William, Jr.
Musler, George
Rogers, Rose Marie
Torr, Franklin

Callaghan, Frank
Hambrick, Patricia
Knowles, William
McGrath, J. Gregory
Nehring, William
Snyder, Clair
Wall, Janet

Chagnon, Ronald
Hemon, Roland
Loder, Suzanne
McKinley, Robert
O'Brien, John
Spear, Barbara
Wheeler, Katherine

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Kane, Joan	Lindblade, Eric
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	Stamatakis, Carol

and the motion failed.

Rep. Bean offered a floor amendment.

Floor Amendment (2755B)

Amend the bill by replacing paragraph II as inserted by section 18 with the following:

II. Two members of the house of representatives, appointed by the speaker of the house.

Rep. Bean spoke in favor.

Adopted.

The question now being the adoption of the amended Committee report. Roll call request sufficiently seconded.

YEAS 240**NAYS 90****YEAS 240****BELKNAP**

Campbell, Richard, Jr.	Hauck, William	Hawkins, Robert	Holbrook, Robert
Johnson, Carl	Lawton, David	Salatiello, Thomas	Smith, Linda
Turner, Robert	Ziegra, Alice		

CARROLL

Chandler, Gene	Dickinson, Howard, Jr.	Foster, Robert	Philbrick, Donald
Saunders, Howard	Wiggin, Allen		

CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
Cole, Stacey	Delano, Robert	Foster, Katherine	Hunt, John
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
McNamara, Wanda	Metzger, Katherine	Pearson, Gertrude	Perry, David
Pratt, Irene	Richardson, Barbara	Riley, William	Robertson, Timothy
Royle, H. Charles	Russell, Ronald	Smith, Edwin	

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Harwell, Tyler
Hawkinson, Marie	Mears, Edgar	Merrill, Gerald	Wiswell, James

GRAFTON

Adams, Carl	Bean, Pamela	Brown, Alson	Brown, Channing
Brown, Patricia	Copenhaver, Marion	Driscoll, William	Gordon, Edward
Hill, Richard	LaMott, Paul	Larson, Nils, Jr.	McIlwaine, Deborah
Nordgren, Sharon	Teschner, Douglass	Trelfa, Richard	Wadsworth, Karen
Ward, Kathleen			

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick
Allen, W. Gordon	Andrews, Frederick	Arnold, Barbara	Asselin, Robert
Bagley, Amy	Bergeron, Normand	Bowers, Dorothy	Buckley, Raymond
Chabot, Robert	Cote, David	Cowenhoven, Garret	Crotty, Edward
Donovan, Francis	Drolet, Paul	Durham, Susan	Dwyer, Patricia
Dyer, Merton	Ferguson, Charles	Fields, Dennis	Foster, Linda
Franks, Suzan	Gage, Ruth	Gagnon, Eugene	Gervais, Glen
Gosselin, Gerald	Haettenschwiller, Alphonse	Hall, Betty	Holden, Carol
Holt, Mark	Jasper, Shawn	Jean, Claudette	Johnson, Lionel
Kelley, Robert	Kirby, Thomas	Lachut, Ervin	Laughlin, J. Francis
Leclerc, Charles	Lefebvre, Roland	Lessard, Rudy	Lozeau, Donnalee
Martin, Mary Ellen	McCann, Bonnie	McCarty, Winston	McNemey, Daniel

McRae, Karen
Mittelman, David
Murphy, Robert
Perkins, Paul
Reidy, Frank
Soucy, Donna
Wheeler, Robert

Mercer, Robert
Moore, Elizabeth
Nardi, Theodora
Peters, Stanley
Sallada, Roland
Toomey, Kathryn
White, John

Messier, Irene
Morello, Michael
O'Rourke, Joanne
Philbrook, Paula
Searles, Stanley, Sr.
Turgeon, Roland

Milligan, Robert
Morrisette, Roland
Paquette, Rodolphe
Plourde, Alphonse
Smith, Leonard
Vanderlosk, Stanley

Braiterman, Thea
Dunn, Miriam
Gross, Caroline
Kidder, William
Owen, Derek
Trombly, Rick
Whalley, Michael

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Regan, Maurice
Wallner, Mary Jane
Willis, Jack

Chandler, John
Fillion, Paul
Hill, Michael
Moore, Carol
Rogers, Katherine
Ward, Jay
Yeaton, Charles

Daneault, Gabriel
French, Barbara
Johnson, C. William
Newland, Matthew
Soldati, Jennifer
Weeks, John, Jr.

MERRIMACK

Battles, Marjorie
Clark, Martha
Dowd, Sandra
Flanagan, Natalie
Hurst, Sharleene
Klemarczyk, Thaddeus
Noyes, Richard
Rubin, George
Syracusa, Anthony
Woods, Deborah

Bell, Juanita
Coes, Betsy
Dube, LeRoy
Flanders, John, Sr.
Johnson, Robert
Kruse, Fred
Pantelakos, Laura
Schanda, Joseph, Sr.
Sytek, Donna
Yennaco, Carol

Blake, Daniel
Conroy, Janet
Felch, Charles, Sr.
Gage, Beverly
Kane, Cecelia
Malcolm, Kenneth
Pratt, Katharin
Skinner, Patricia
Sytek, John

Christie, Andrew, Jr.
Crossman, Harold, Jr.
Fesh, Robert
Groves, Bonnie
Katsakiores, George
Miller, Don
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles

ROCKINGHAM

Brown, George
Dunlap, Patricia
Kincaid, William
McCann, William, Jr.
O'Brien, John
Spear, Barbara
Wheeler, Katherine

Brown, Julie
Hambrick, Patricia
Knowles, William
McKinley, Robert
Pelletier, Arthur
Torr, Ann

Callaghan, Frank
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Rogers, Rose Marie
Torr, Franklin

Chagnon, Ronald
Keans, Sandra
Lundborn, Raymond
Musler, George
Snyder, Clair
Wall, Janet

STRAFFORD

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Kane, Joan
Schtotanus, Merle

Cloutier, John
Lindblade, Eric
Stamatakis, Carol

SULLIVAN

Bartlett, Gordon
Rice, Thomas, Jr.

Cain, Thomas
Rosen, Ralph

Golden, Paul

Laflam, Robert

Beach, Mildred
Mock, Henry

Bradley, Jeb
Wiggin, Gordon

Cogswell, Richard

Lyman, L. Randy

None

CHESHIRE

Foss, Frederic

COOS

Chase, Paul, Jr.
White, Paul

Eaton, Stephanie

Ham, Bonnie

Rose, William

GRAFTON

HILLSBOROUGH

Arnold, Thomas, Jr.	Borsa, Andrew	Burke, M. Virginia	Calawa, Leon, Jr.
Cepaitis, Elizabeth	Clemons, Jane	Daniels, Gary	Desrosiers, William
Dodge, Emma	Domaigne, Jacquelyn	Drabinowicz, A. Theresa	Dykstra, Leona
Eliades, George	Fenton, James	Greenberg, Gary	Hanselman, Gregory
Healy, Daniel	Holley, Sylvia	Holt, David	Hunter, Bruce
Jean, Loren	Kelley, Dana	Kurk, Neal	L'Heureux, Robert
Packard, Bonnie	Rheault, Lillian	Rothhaus, Finlay	Soucy, Richard
Tate, Joan	Upton, Barbara	Weergang, Alida	Wells, Peter, Sr.

MERRIMACK

Apple, Lowell	Barberia, Richard	Buessing, Marjorie	Houlahan, Thomas
Kennedy, Richard	Langer, Ray	Nichols, Avis	Shaw, Randall

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Beaulieu, Jon	Bove, Martin
Chester, Sherman	DiPietro, Carmela	Drake, Herbert	Gorman, Donald
Hemenway, Thomas	Hutchinson, Karen	Johnson, Bill	Klemm, Arthur, Jr.
Lee, Rebecca	Lovejoy, Marian	McKinney, Betsy	Packard, Sherman
Pullman, Robert	Putnam, Ed, II	Raynowska, Bernard	Ritzo, Eugene
Smith, Arthur	Stritch, C. Donald	Welch, David	Williamson, William

STRAFFORD

Gilmore, Gary	Hilliard, Dana	McGrath, J. Gregory	Nehring, William
Sullivan, Henry	Vincent, Francis	Wasson, Richard	

SULLIVAN

Domini, Irene

and the report was adopted.

Ordered to third reading.

Rep. Record wished to be recorded in favor of the Committee Report.

Reps. McGrath, Clemons and Gilmore voted nay and intended to vote yea.

RECONSIDERATION

Rep. Loren Jean moved that the House reconsider its action whereby it adopted the Committee report of Ought to Pass **HB 231-FN-A-L**, relative to lead poisoning and control and continually appropriating a fund to the director of public health services.

Rep. Trombly spoke against.

Rep. Loren spoke in favor.

Reconsideration lost.

REVENUE ESTIMATES

Rep. Cowenhoven reported on the Revenue Estimates.

Rep. Gross spoke in explanation.

ENROLLED BILLS REPORT

HB 166, relative to felons who own or possess dangerous weapons.

HB 313, relative to mortgage insurance.

HB 340, relative to technical changes in the small employer insurance law.

HB 434, relative to the assessment of the oil import license fee.

HB 565, prohibiting hazing.

HB 600, relative to candidates who seek nomination by nomination papers.

SB 48, relative to the children's trust fund.

SB 55, relative to accident and health insurance and health maintenance organizations.

SB 105, relative to the rulemaking authority of commissioners of state department.

SB 186, requiring the division of water supply and pollution control to set standards of design and construction for innovative or alternative waste treatment systems.

Sen. Currier, Rep. Carter for the Committee

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 18, 1993 at 1:00 p.m.

Adopted.

LATE SESSION**Third reading and final passage**

SB 218-FN, relative to the child protection act.

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 4:05 p.m.

RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 26

Tuesday, May 18, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency, Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

Hear, O, God the prayers of all Your people everywhere, for forgiveness and healing, for courage and fresh insight; prayers for the needs of the world; prayers for peace among warring nations.

And whether You answer us in words that burn like fire, or in silence louder than thunder, increase in us the knowledge that You are always more near to us than breathing, that Your will for us is love. Amen.

Reps. Amidon and John Chandler led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Pantelakos, Mason and Record, the day, illness.

Reps. Dunn, Ruth Gage, Fenton, Rosen, Horton, Terninko, Stone, Weyler, Stapleton, Battles and Dwyer, the day, important business.

INTRODUCTION OF GUESTS

Justin Chandler and Amy Roberts, son and guest of Rep. Gene Chandler. Gayle Gordon, wife of Rep. Ned Gordon. Teachers, students and staff of the Dublin Christian Academy, guests of Rep. Avery. Lynda Swartz, guest of Rep. Coes. Brienne McNamara and Ruth Van Houten, daughter and guest of Rep. McNamara.

SPECIAL GUESTS

The members of the Dublin Christian Academy Chorus, guests of Rep. Avery and the House, sang for the membership.

RESOLUTION

It's introduction having been approved by the Rules Committee, Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 24, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION**First, second reading and referral**

HR 24, urging continuing sanctions against the governments of lands which constitute what was the Federal Republic of Yugoslavia prior to January 1, 1991. (Foss, Coos/1; Gross, Merr/18; Trombly, Merr/4, to State-Federal Relations)

ENROLLED BILL AMENDMENT

SB 117, relative to the appointment of and payment of fees to guardians ad litem. (Amendment printed SJ 18, 5/18/93)

Adopted.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 284, regarding notice for condominium association meetings and relative to voting by condominium owners. (Amendment printed SJ 15, 4/20/93)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 328, requiring the refund of mortgage loan application fees and costs when a loan application is not processed due to the financial failure of the mortgage lender. (Amendment printed SJ 17, 5/11/93)

Rep. Bonnie Packard moved that the House concur.

Adopted.

HB 602-FN, relative to claiming assets which have escheated to the state. (Amendment printed SJ 16, 4/27/93)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Lindblade, Wells and Fuller Clark.

HB 303, changing the manner in which a person accepts nomination for office by write-in vote. (Amendment printed SJ 17, 5/11/93)

Rep. Flanagan moved that the House concur.

Adopted.

HB 490, permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared. (Amendment printed SJ 17, 5/11/93)

Rep. Flanagan moved that the House concur.

Adopted.

HB 108-L, permitting counties to establish special equipment accounts for registers of deeds. (Amendment printed SJ 17, 5/11/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 113, expanding the financial authority of towns. (Amendment printed SJ 17, 5/11/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 227, relative to enforcement of parking violations. (Amendment printed SJ 17, 5/11/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 689-FN-L, relative to funds for students residing in unorganized places. (Amendment printed SJ 17, 5/11/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 464-FN-A, recognizing merchant marines who served in World War II as World War II veterans. (Amendment printed SJ 16, 4/27/93)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Welch, Battles, Rubin and Burling.

HB 571-FN, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading. (Amendment printed SJ 16, 4/27/93)

Rep. Rodeschin moved that the House concur.

Adopted.

HB 352, requiring DWI offenders to supply a certified copy of their New Hampshire driver's license record at the time of enrollment into an impaired driver intervention program. (Amendment printed SJ 16, 4/27/93)

Rep. George Katsakiores moved that the House concur.

Adopted.

HB 114, relative to hunting restrictions. (Amendment printed SJ 13, 4/8/93)

Rep. Drake moved that the House concur.

Adopted.

HB 115, repealing reporting requirements for fish or game propagation licensees; and limiting the time bob-houses may be on public property and adding a penalty for violations. (Amendment printed SJ 13, 4/8/93)

Rep. Drake moved that the House concur.

Adopted.

HB 138, relative to revocation of hunting and fishing privileges and repealing statutory provisions relative to a guide's license to take bear. (Amendment printed SJ 13, 4/8/93)

Rep. Drake moved that the House concur.

Adopted.

HB 151, permitting the department of fish and game to issue a special deer license to certain licensees, authorizing the executive director to determine the number of deer taken by an archery licensee, and relative to deer tags. (Amendment printed SJ 13, 4/8/93)

Rep. Drake moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Drake, Schanda, Douglass and Lachut.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 154-A, establishing a regional vocation education center in Milford and making an appropriation therefor, was removed at the request of Rep. Ann Torr.

Consent Calendar adopted.

SB 139-FN-A, requiring the department of environmental services to design a river basin planning and assessment program and making an appropriation therefor. **OUGHT TO PASS**

Rep. Charles L. Vaughn for Appropriations: The Appropriations Committee agreed that a statewide river basin planning and assessment program, costing \$25,000, submitted no later than November 1, 1994, is critical for the protection of New Hampshire's river basins. Vote 15-1.

SB 148-FN, making appropriations nonlapsing for regional vocational education tuition and transportation, and allowing the Kearsarge regional school district to hold its 1994 and 1995 annual meetings in such places as the officers deem appropriate. **OUGHT TO PASS**

Rep. Charles W. Ferguson for Appropriations: The Department of Education reimburses school districts for the cost of tuition and transportation for vocational education programs. The budget passed by this House contains a footnote making this funding non-lapsing for the biennium. This bill adopts the non-lapsing concept by statute. The Kearsarge amendment was a policy decision already decided by the House and Senate committees. Vote 13-4.

SB 224-FN, relative to the statewide education improvement and assessment program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jacquelyn M. Domaingue for Appropriations: The amendment is the result of agreement between the House Education Committee, State Board of Education Chairman, the Senate sponsors and the Governor. There is no fiscal impact to this bill, as the original appropriation request was already included in the budget bill (HB 1-A). Vote 22-0.

Amendment (2754B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the statewide education improvement and assessment program.

Amend the introductory paragraph of RSA 193-C:3 as inserted by section 2 of the bill by replacing it with the following:

193-C:3 Program Established; Goals. There is established within the department of education a statewide education improvement and assessment program. The commissioner shall develop and implement this program in conjunction with the state board of education and the legislative oversight committee. In carrying out this program, the commissioner shall consult widely with educators at all levels, business people, government officials, community representatives, and parents.

Amend RSA 193-C:4 as inserted by section 2 of the bill by replacing it with the following:

193-C:4 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the exemption of certain students from participation in the program. Nothing in this section shall be construed to limit the ability of the state board of education to adopt rules pursuant to the authority granted by the general court.

Amend the bill by deleting sections 3 and 4 and renumbering sections 5 and 6 to read as 3 and 4, respectively.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire statewide education improvement and assessment program and sets forth criteria for the development and implementation of the program.

SB 9, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9. **OUGHT TO PASS**

Rep. Robert A. Mercer for Commerce, Small Business and Consumer Affairs: When the Uniform Commercial Code was adopted, personal property leases were unheard of. Now everything from jumbo jets to computers are leased on a regular basis. However, there have been no rules governing leasing until recently. Article 2A was approved by the National Conference of Commissioners on Uniform State Laws in 1987, and has since been enacted in 32 jurisdictions. It establishes a common sense and fair set of rules governing the rights of parties to leases, paralleling the rules governing sales. It also satisfies concerns of lenders and merchants alike by clarifying when a lease is a true lease and when it is a financing transaction. As leasing grows as an alternative to sales, New Hampshire needs to provide a structure for these transactions. Vote 15-0.

SB 43, relative to the state board of auctioneers. **RE-REFER TO COMMITTEE**

Rep. Jon P. Beaulieu for Executive Departments and Administration: This bill would increase the number of members on the board of auctioneers. This bill addresses a real need and has merit, however, the committee has discovered a number of different areas of concern which should be studied and addressed with this bill. The committee intends to incorporate many suggestions that were made by the auctioneer board and will result in a more comprehensive consumer-oriented board. Vote 16-0.

SB 149-FN, relative to land surveying by proprietorships, corporations or partnerships. **RE-REFER TO COMMITTEE**

Rep. William P. Boucher for Executive Departments and Administration: The support for SB 149 is flawed in that the bill is flawed and in need of change. Due to a lack of time to clean up the bill as required, the committee asks for re-refer to come up with needed legislation to clean up legal problems in the profession, as well as a hard look at the Attorney Generals office's ability to prosecute counterfeit land surveyor seals showing up on plot plans. Vote 16-0.

SB 4, relative to a capital appropriation for state house repairs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Winston H. McCarty for Public Works: Senate Bill 4, as amended by the Committee, authorizes the repair of the State House windows, restoration of Room 120 and painting the exterior of the State House. Funding for these projects will come from the unexpended appropriation for State House dome repairs, 1991 351:1 II. The amendment provides for specific amounts of money for each project. Vote 14-0.

Amendment (2700B)

Amend the bill by replacing section 2 with the following:

2 Capital Appropriation for State House Windows, Exterior, and Room 120. Amend 1991, 351:1, II as amended by 1992, 107:1 by inserting after paragraph II the following footnote:

(Of the funds appropriated in subparagraph II, A, no more than \$10,000 shall be used to repair and paint the exterior of the state house, no more than \$105,000 shall be used to repair the state house windows, and no more than \$8,000 shall be used for the restoration of room 120 in the state house.)

3 Effective Date. This act shall take effect upon its passage.

REGULAR CALENDAR

SB 210-FN, relative to the division for children and youth services confidentiality statutes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: RE-REFER TO COMMITTEE.**

Rep. Josephine Mayhew for the Majority of Children, Youth and Juvenile Justice: New Hampshire has some of the most restrictive confidentiality laws regarding case records. SB 210 increases and clarifies who can have access to records to DCYS, and the process by which to obtain these records. This bill strikes a balance between rights of access to information with privacy rights. Vote 11-9.

Reps. Carol H. Holden, Eugene L. Gagnon, Irene C. Domini, Janet S. Arndt, Gary C. Greenberg, Sylvia A. Holley, L. Randy Lyman and Wanda G. McNamara for the Minority of Children, Youth and Juvenile Justice: The Minority of the Committee recommends re-referral of SB 210 to allow time to further study the issue of access to DCYS records. In addition the committee would have the opportunity to address the central registry and access to third party assessment reports.

Rep. McNamara moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Burling yielded to questions.

Reps. Woods, Douglas Hall and Morello spoke against and yielded to questions.

Reps. Cogswell and Rose spoke in favor and yielded to questions.

Reps. Irene Pratt, Richardson and Bean spoke against.

Reps. Holley and Salatiello spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 173

NAYS 191

**YEAS 173
BELKNAP**

Bartlett, Gordon
Johnson, Carl
Salatiello, Thomas

Cain, Thomas
Lafam, Robert
Turner, Robert

Campbell, Richard, Jr.
Lawton, David
Young, Niel

Golden, Paul
Rice, Thomas, Jr.

CARROLL

Allard, Nanci
Mock, Henry
Wiggin, Gordon

Cogswell, Richard
Philbrick, Donald

Dickinson, Howard, Jr.
Saunders, Howard

Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
McNamara, Wanda

Delano, Robert
Royce, H. Charles

Hunt, John
Smith, Edwin

McGuirk, Paul
Young, David

COOS

Coulombe, Henry

Foss, Frederic

Pratt, Leighton

Wiswell, James

GRAFTON

Chase, Paul, Jr.
Rose, William

Dow, David
Ward, Kathleen

Eaton, Stephanie
White, Paul

Gordon, Edward

HILLSBOROUGH

Ahrens, Frederick
Borsa, Andrew
Chabot, Robert
Desrosiers, William
Drolet, Paul
Gagnon, Eugene
Holden, Carol
Hunter, Bruce

Amidon, Eleanor
Burke, M. Virginia
Cowenhoven, Garret
Dodge, Emma
Dykstra, Leona
Greenberg, Gary
Holley, Sylvia
Jean, Claudette

Andrews, Frederick
Calawa, Leon, Jr.
Daigle, Robert
Domaingue, Jacquelyn
Fields, Dennis
Hanselman, Gregory
Holt, David
Jean, Loren

Arnold, Thomas, Jr.
Cepaitis, Elizabeth
Daniels, Gary
Drabinowicz, A. Theresa
Foster, Linda
Healy, Daniel
Holt, Mark
Kelley, Dana

Kelley, Robert
Lozeau, Donnalee
McRae, Karen
Paquette, Rodolphe
Riley, Frances
Tate, Joan
Wells, Peter, Sr.

Kurk, Neal
Martin, Mary Ellen
Milligan, Robert
Pepino, Leo
Rothhaus, Finlay
Toomey, Kathryn
Wheeler, Robert

L'Heureux, Robert
McCann, Bonnie
Moncrief, Keith
Plourde, Alphonse
Sallada, Roland
Upton, Barbara
Wright, George

Laughlin, J. Francis
McNerney, Daniel
Packard, Bonnie
Rheault, Lillian
Soucy, Richard
Weergang, Aida

MERRIMACK

Apple, Lowell
Houlahan, Thomas
Pfaff, Terence
Willis, Jack

Barberia, Richard
Kennedy, Richard
Shaw, Randall

Buessing, Marjorie
Langer, Ray
Trombly, Rick

Holmes, Mary
Nichols, Avis
Whittemore, James

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Cote, Patricia
Dowling, Patricia
Flanders, David
Hutchinson, Karen
Klemm, Arthur, Jr.
Moore, Benjamin
Raynowska, Bernard
Senter, Marilyn
Warburton, Calvin

Arndt, Janet
Bove, Martin
Crum, William, Jr.
Drake, Herbert
Gorman, Donald
Johnson, Robert
Lee, Rebecca
Noyes, Richard
Ritzo, Eugene
Simon, Peter
Welch, David

Beaulieu, Jon
Chester, Sherman
DiPietro, Carmela
Felch, Charles, Sr.
Groves, Bonnie
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Rosencrantz, James
Smith, Arthur
Yennaco, Carol

Blake, Daniel
Cote, Charles
Dowd, Sandra
Flanagan, Natalie
Hemenway, Thomas
Klemarczyk, Thaddeus
Miller, Don
Pullman, Robert
Schanda, Joseph, Sr.
Stritch, C. Donald

STRAFFORD

Chagnon, Ronald
Keans, Sandra
Pelletier, Marsha
Torr, Ralph

Douglass, Clyde
Kincaid, William
Snyder, Clair
Vincent, Francis

Dunlap, Patricia
McCann, William, Jr.
Spear, Barbara
Wasson, Richard

Hemon, Roland
Pageotte, Donald
Sullivan, Henry

SULLIVAN

Domini, Irene

Flint, Gordon

Rodeschin, Beverly

Stamatakis, Carol

NAYS 191

BELKNAP

Dewhirst, Glenn
Smith, Linda

Hauck, William
Ziegra, Alice

Hawkins, Robert

Holbrook, Robert

CARROLL

Beach, Mildred

Bradley, Jeb

Foster, Robert

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Pratt, Irene
Russell, Ronald

Burnham, Daniel
Foster, Katherine
Metzger, Katherine
Richardson, Barbara

Champagne, Richard
Kingsbury, H. Thayer
Pearson, Gertrude
Riley, William

Cole, Stacey
Lynch, Margaret
Perry, David
Robertson, Timothy

COOS

Bradley, Paula
Mears, Edgar

Guay, Lawrence
Merrill, Gerald

Hawkinson, Marie

Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Channing

Bean, Pamela
Brown, Patricia

Below, Clifton
Copenhaver, Marion

Brown, Alson
Crory, Elizabeth

Driscoll, William
Larson, Nils, Jr.
Teschner, Douglass

Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

LaMott, Paul
Scanlan, David

HILLSBOROUGH

Ackerman, Philip
Arnold, Barbara
Bowers, Dorothy
Crotty, Edward
Ferguson, Charles
Haettenschwiller, Alphonse
Kirby, Thomas
Lessard, Rudy
Mittelman, David
Murphy, Robert
Peters, Stanley
Searles, Stanley, Sr.
Turgeon, Roland

Ahem, Richard
Bagley, Amy
Buckley, Raymond
Donovan, Francis
Franks, Suzan
Hart, Nick
Lachut, Ervin
Lown, Elizabeth
Moore, Elizabeth
Nardi, Theodora
Philbrook, Paula
Smart, John
Vanderlosk, Stanley

Ahlgren, Madelyn
Bergeron, Lucien
Clemons, Jane
Durham, Susan
Gervais, Glen
Jasper, Shawn
Leclerc, Charles
McCarty, Winston
Morello, Michael
O'Rourke, Joanne
Reidy, Frank
Smith, Leonard
White, John

Allen, W. Gordon
Bergeron, Normand
Cote, David
Dyer, Merton
Gosselin, Gerald
Johnson, Lionel
Lefebvre, Roland
Mercer, Robert
Morrisette, Roland
Perkins, Paul
Sargent, Maxwell
Soucy, Donna

MERRIMACK

Braiterman, Thea
Daneault, Gabriel
Gross, Caroline
Johnson, Joyce May
Regan, Maurice
Wallner, Mary Jane
Yeaton, Charles

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Lockwood, Robert
Rogers, Katherine
Ward, Jay

Chandler, Earle
Fillion, Paul
Hill, Michael
Moore, Carol
Soldati, Jennifer
Weeks, John, Jr.

Chandler, John
French, Barbara
Johnson, C. William
Owen, Derek
Teague, Bert
Whalley, Michael

ROCKINGHAM

Bell, Juanita
Clark, Martha
Crossman, Harold, Jr.
Hurst, Sharleene
Lovejoy, Marian
O'Keefe, Patricia
Skinner, Patricia
Sytek, John

Campbell, Marilyn
Clark, Vivian
Dube, LeRoy
Kane, Cecelia
Malcolm, Kenneth
Pratt, Katharin
Splaine, James
Vaughn, Charles

Caswell, Albert, Jr.
Coes, Betsy
Fesh, Robert
Katsakiores, George
McGovern, Cynthia
Richards, David
St. Martin, Tommy
Williamson, William

Christie, Andrew, Jr.
Conroy, Janet
Flanders, John, Sr.
Kruse, Fred
Newman, Rick
Rubin, George
Syracusa, Anthony
Woods, Deborah

STRAFFORD

Brown, George
Hambrick, Patricia
Lundborn, Raymond
Merritt, Deborah
Pelletier, Arthur
Wall, Janet

Brown, Julie
Hashem, Elaine
McGrath, J. Gregory
Musler, George
Rogers, Rose Marie
Wheeler, Katherine

Callaghan, Frank
Knowles, William
McKinley, Robert
Nehring, William
Torr, Ann

Gilmore, Gary
Loder, Suzanne
Merrill, Amanda
O'Brien, John
Torr, Franklin

SULLIVAN

Allison, David
Holl, Ann
Peyron, Fredrik

Behrens, Thomas
Kane, Joan
Schotanus, Merle

Burling, Peter
Lindblade, Eric

Cloutier, John
Palmer, Lorraine

and the motion failed.

Amendment (2670B)

Amend the bill by replacing all after section 4 with the following:

5 Central Registry; Notice. Amend RSA 169-C:35 to read as follows:

169-C:35 Central Registry. There shall be established a state registry of abuse and neglect reports made pursuant to this chapter at the [bureau] *division* for the purpose of maintaining a

record of information on each case of alleged abuse or neglect reported. The registry shall be confidential and subject to the rules on access established by the director of the division under RSA 541-A. *Upon receipt by the division of a written request and verified proof of identity, an individual shall be informed by the division whether that individual's name is listed in the founded reports maintained in the central registry.* Founded reports shall be retained for 7 years. Unfounded *at-risk* reports shall be retained for 3 years.

6 Case Records; Court Records; Access Limited. RSA 169-D:25 is repealed and reenacted to read as follows:

169-D:25 Case and Court Records.

I. All case records, defined in RSA 170-G:8-a, relative to children in need of services, shall be confidential and access shall be provided pursuant to RSA 170-G:8-a.

II. The court records of proceedings under this chapter shall be kept in books and files separate from all other court records. Such records shall be withheld from public inspection but shall be open to inspection by juvenile service officers, parent, guardian, custodian, minor's attorney and others entrusted with the supervision of the child. Additional access to court records may be granted by court order or upon the written consent of the minor. Once child in need of services reaches 18 years of age, all court and police records shall be destroyed.

7 Disclosure Constitutes Violation. RSA 169-D:26 is repealed and reenacted to read as follows:

169-D:26 Penalty for Disclosure of Records. It shall be unlawful for any person to disclose court records, or any part thereof, to persons other than those entitled to access under RSA 169-D:25, except by court order. Any person who knowingly violates this provision shall be guilty of a misdemeanor.

8 Record Content; Confidentiality; Rulemaking. RSA 170-G:8-a is repealed and reenacted to read as follows:

170-G:8-a Record Content; Confidentiality; Rulemaking.

I. The case records of the division consist of all official records, regardless of the media upon which they are retained, created by the division for children and youth services in connection with a report received pursuant to RSA 169-C:29, or cases brought under RSA 169-B, 169-C, 169-D, or 463, or services provided to the child or family without a court order pursuant to RSA 170-G:4, including intake and assessment reports, service or case plans, case logs, termination reports and a list of persons or entities providing reports to the division or services to child or family. Such records do not include:

(a) Records created as part of an action brought pursuant to RSA 170-B or 170-C.

(b) Records submitted to or maintained by the courts, or records created by third parties, such as psychologists, physicians, and police officers, even if such records are prepared or furnished at the request of the division. Requests for access to court records and records created by third parties may be made directly to the court or to the third party who created the record. Nothing in this section shall restrict or limit access to records filed pursuant to RSA 169-C:12-b.

(c) Reports contained in the central registry of abuse and neglect reports maintained pursuant to RSA 169-C:35.

(d) The name of a person who makes a report of suspected abuse or neglect of a child pursuant to RSA 169-C:29, or any information which would identify the reporter.

II. The case records of the division shall be confidential.

(a) The division shall provide access to the case records of the division to the following persons unless the director or deputy director determines that the harm to the child named in the case record resulting from the disclosure outweighs the need for the disclosure presented by the person requesting access:

(1) The child named in the case record.

(2) The parent of the child named in the case record, as defined in RSA 169-C:3, XXI.

(3) The guardian or custodian of the child named in the case record.

(4) Another member of the family of the child named in the case record, if disclosure is necessary for the provision of services to the child or other family member.

(5) Employees of the division and legal counsel representing employees of the division for the purpose of carrying out their official functions.

(6) Persons made parties to judicial proceedings in New Hampshire relative to the child or family, whether civil or criminal, including the court with jurisdiction over the proceeding, any attorney for any party, and any guardian ad litem appointed in the proceeding.

(7) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business.

(b) The division shall disclose information from case records or provide access to case records to the following persons or entities, if such information or access is not harmful to the child and is necessary in order to enable the person or entity requesting information or access to evaluate or provide services, treatment or supervision to the child named in the case record or to the family:

(1) A person or entity requested by the division or ordered by the court to perform an evaluation or assessment on or to create a service plan for the child named in the case record, the child's family, or an individual member of the child's family.

(2) A person or entity requested by the division or ordered by the court to provide services to the child named in the case record or the child's family.

(3) The superintendent of schools for the school district in which the child named in the case record is then, or will, according to the child's case plan, be attending school.

(4) The person or entity with whom the child resides, if that person is not the child's parent, guardian, or custodian.

III. The director shall adopt rules, pursuant to RSA 541-A, governing the procedures regulating access to all of the records of the division. Such rules shall contain provisions relative to:

(a) Access to case records by persons named in paragraph II of this section.

(b) Access to case records by a physician who has examined a child who the physician reasonably suspects may be abused or neglected.

(c) Access to case records by a law enforcement official who reasonably suspects that a child may be abused or neglected, and who is participating with the division in a joint investigation.

(d) Access to case records by a state official who is responsible for the provision of services to children and families, or a legislative official who has been statutorily granted specific responsibility for oversight of enabling or appropriating legislation related to the provision of services to children and families, for the purposes of carrying out their official functions, provided that no information identifying the subject of the record shall be disclosed unless such information is essential to the performance of the official function, and each person identified in the record or the person's authorized representative has authorized such disclosure in writing.

(e) Access to case records by a person conducting a bona fide research or evaluation project, provided that no information identifying the subject of the record shall be disclosed unless such information is essential to the purpose of the research, each person identified in the record or an authorized representative has authorized such disclosure in writing, and the division has granted its approval in writing.

(f) Access to case records by any person making a report of suspected child abuse or neglect pursuant to RSA 169-C:29, provided that such disclosure is limited to information about the status of the report under investigation, or information reasonably required to protect the safety of such person.

(g) Access to all other records of the division which are not case records as defined in paragraph II.

IV. Additional access to case records and all other records of the division shall be granted pursuant to the terms of a final order issued by a court of competent jurisdiction.

V. It shall be unlawful for any person entrusted with information from case records to disclose such records or information contained in them. Notwithstanding the previous sentence, it shall not be unlawful for a parent or child to disclose case records or the information contained in them to persons providing counsel to the child or family. It shall be unlawful for any person who receives case records or the information contained in them from a parent or a child to disclose such records or information. Any person who knowingly discloses case records or information contained in them in violation of this paragraph shall be guilty of a misdemeanor.

VI. Notwithstanding the foregoing:

(a) Any person who is entitled to access a case record pursuant to this section may share such information with any other person entitled to access pursuant to this section, unless the director or a designee shall specifically prohibit such additional disclosure in order to prevent harm to a child.

(b) Nothing in this section shall be construed to require access to any records in violation of the order of a court of competent jurisdiction.

9 New Section; Court Review. Amend RSA 170-G by inserting after section 8-a the following new section:

170-G:8-aa Court Review.

I. The director or deputy director shall have 30 days in open cases and 60 days in closed cases from the date a written request for access to case records is received by the district office where the case records are or were located, to limit or deny access to the case records pursuant to RSA 170-G:8-a, II. Any decision by the director or deputy director relative to access to case records shall be in writing and shall set forth the harm that may result to the child if the requested access is provided.

II. The party requesting access may present to the court with jurisdiction over the case giving rise to the request for access or, if the request for access does not arise in the context of an existing judicial proceeding, to the district court for the judicial district in which the person making the request resides, a written petition, duly verified, setting forth that the decision of the director or deputy director is illegal or unreasonable in whole or in part and specifying the grounds upon which the decision is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 60 days after the date of the written decision of the director or deputy director.

III. Upon presentation of the petition, the court shall issue an order directed to the division prescribing the time within which return shall be made and served on the petitioner and the records and other documents to be provided to the court by the division. The return shall set forth concisely such facts as may be pertinent and material, show the grounds of the decision to be reviewed, and shall be verified. If an attorney or a guardian ad litem for the child named in the case record had been appointed to represent the child in the case giving rise to the request to access, the division shall provide such person with copies of its decision, the petition, and the division's response. Such attorney or guardian ad litem may participate in the judicial proceedings described in this section by filing a written response and participating in any hearings scheduled by the court pursuant to paragraph IV of this section. Nothing in this section shall require the appointment of an attorney or guardian ad litem to represent the interest of a child in the proceedings described in this section.

IV. The court shall review the petition, return, other responses, and records and shall hold a hearing on its own motion or if requested by the petitioner. Thereafter, the court shall issue such orders as may be appropriate. Costs shall not be allowed against the state unless it shall appear to the court that the division acted in bad faith or with malice in denying or limiting access to case records.

V. Notwithstanding anything to the contrary in this section, if the petitioner's request for access occurs in the context of an existing judicial proceeding, the court with jurisdiction over the case may establish time limitations different from those contained in this section to facilitate the disposition of the case.

10 Court Records; Guardians of Minors. RSA 463:7-a, II is repealed and reenacted to read as follows:

II. The court records of proceedings under this chapter shall be kept in books and files separate from all other court records. Such records shall be withheld from public inspection, but shall be open to inspection by those person who have access to case records pursuant to RSA 463:7-a, III.

11 New Paragraph; Case Records. Amend RSA 463:7-a by inserting after paragraph II the following new paragraph:

III. All case records, as defined in RSA 170-G:8-a, relating to a petition for the appointment of a guardian, shall be confidential and access shall be provided pursuant to RSA 170-G:8-a.

12 Effective Date. This act shall take effect 60 days after its passage.

The question now being the adoption of the amendment. Roll call request sufficiently seconded.

YEAS 237

Campbell, Richard, Jr.
Hawkins, Robert
Smith, Linda

Dewhirst, Glenn
Holbrook, Robert
Ziegra, Alice

Beach, Mildred

Bradley, Jeb

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Pratt, Irene
Royce, H. Charles

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara
Russell, Ronald

Bradley, Paula
Mayhew, Josephine

Coulombe, Henry
Mears, Edgar

Adams, Carl
Brown, Channing
Driscoll, William
LaMott, Paul
Scanlan, David

Bean, Pamela
Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Teschner, Douglass

Ackerman, Philip
Amidon, Eleanor
Bergeron, Lucien
Chabot, Robert
Crotty, Edward
Dykstra, Leona
Gagnon, Eugene
Hart, Nick
Johnson, Lionel
Lefebvre, Roland
Martin, Mary Ellen
Mercer, Robert
Morrissette, Roland
Perkins, Paul
Sargent, Maxwell
Soucy, Donna
White, John

Ahern, Richard
Andrews, Frederick
Bergeron, Normand
Clemons, Jane
Donovan, Francis
Ferguson, Charles
Gervais, Glen
Holden, Carol
Kirby, Thomas
Lessard, Rudy
McCann, Bonnie
Mittelman, David
Murphy, Robert
Peters, Stanley
Searles, Stanley, Sr.
Toomey, Kathryn

Braiterman, Thea
Chandler, John
French, Barbara
Holmes, Mary
Moore, Carol
Rogers, Katherine
Ward, Jay

Buessing, Marjorie
Daneault, Gabriel
Gross, Caroline
Johnson, C. William
Nichols, Avis
Soldati, Jennifer
Weeks, John, Jr.

NAYS 127**YEAS 237
BELKNAP**

Golden, Paul
Lafiam, Robert

Hauck, William
Salatiello, Thomas

CARROLL

Foster, Robert

CHESHIRE

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Riley, William

Champagne, Richard
Hunt, John
McGuirk, Paul
Perry, David
Robertson, Timothy

COOS

Guay, Lawrence
Merrill, Gerald

Hawkinson, Marie
Wiswell, James

GRAFTON

Below, Clifton
Copenhaver, Marion
Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Brown, Alson
Croy, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Wadsworth, Karen

HILLSBOROUGH

Ahlgren, Madelyn
Arnold, Barbara
Bowers, Dorothy
Cote, David
Durham, Susan
Fields, Dennis
Gosselin, Gerald
Jasper, Shawn
Lachut, Ervin
Lown, Elizabeth
McCarty, Winston
Moore, Elizabeth
Nardi, Theodora
Philbrook, Paula
Smart, John
Turgeon, Roland

Allen, W. Gordon
Bagley, Amy
Buckley, Raymond
Cowenhoven, Garret
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Jean, Claudette
Laughlin, J. Francis
Lozeau, Donnalee
McNerney, Daniel
Morello, Michael
O'Rourke, Joanne
Reidy, Frank
Smith, Leonard
Vanderlosk, Stanley

MERRIMACK

Carter, Susan
Feuerstein, Martin
Hall, Douglas
Johnson, Joyce May
Owen, Derek
Teague, Bert
Whalley, Michael

Chandler, Earle
Fillion, Paul
Hill, Michael
Lockwood, Robert
Regan, Maurice
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Bell, Juanita	Campbell, Marilyn	Caswell, Albert, Jr.	Christie, Andrew, Jr.
Clark, Martha	Clark, Vivian	Coes, Betsy	Conroy, Janet
Crossman, Harold, Jr.	Drake, Herbert	Dube, LeRoy	Fesh, Robert
Flanders, John, Sr.	Gorman, Donald	Groves, Bonnie	Hurst, Sharleene
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Klemarczyk, Thaddeus
Kruse, Fred	Lovejoy, Marian	Malcolm, Kenneth	McGovern, Cynthia
McKinney, Betsy	Newman, Rick	O'Keefe, Patricia	Pratt, Katharin
Richards, David	Rubin, George	Skinner, Patricia	Splaine, James
St. Martin, Tommy	Syracusa, Anthony	Sytek, John	Vaughn, Charles
Warburton, Calvin	Welch, David	Williamson, William	Woods, Deborah
Yennaco, Carol			

STRAFFORD

Brown, George	Brown, Julie	Callaghan, Frank	Dunlap, Patricia
Gilmore, Gary	Hambrick, Patricia	Hashem, Elaine	Keans, Sandra
Kincaid, William	Knowles, William	Loder, Suzanne	Lundborn, Raymond
McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda
Merritt, Deborah	Musler, George	Nehring, William	O'Brien, John
Pageotte, Donald	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Torr, Ann	Torr, Franklin	Wasson, Richard
Wheeler, Katherine			

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Holl, Ann	Kane, Joan	Lindblade, Eric	Palmer, Lorraine
Peyron, Fredrik	Rodeschin, Beverly	Schotanus, Merle	

NAYS 127**BELKNAP**

Bartlett, Gordon	Cain, Thomas	Johnson, Carl	Lawton, David
Rice, Thomas, Jr.	Turner, Robert	Young, Niel	

CARROLL

Allard, Nanci	Cogswell, Richard	Dickinson, Howard, Jr.	Lyman, L. Randy
Mock, Henry	Philbrick, Donald	Saunders, Howard	Wiggin, Allen

CHESHIRE

Delano, Robert	Smith, Edwin	Young, David
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COOS

Foss, Frederic	Pratt, Leighton
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GRAFTON

Chase, Paul, Jr.	Dow, David	Eaton, Stephanie	Rose, William
Ward, Kathleen	White, Paul		

HILLSBOROUGH

Ahrens, Frederick	Arnold, Thomas, Jr.	Borsa, Andrew	Burke, M. Virginia
Calawa, Leon, Jr.	Cepaitis, Elizabeth	Daigle, Robert	Daniels, Gary
Desrosiers, William	Dodge, Emma	Domaingue, Jacquelyn	Drabinowicz, A. Theresa
Drolet, Paul	Foster, Linda	Greenberg, Gary	Hanselman, Gregory
Healy, Daniel	Holley, Sylvia	Holt, David	Holt, Mark
Hunter, Bruce	Jean, Loren	Kelley, Dana	Kelley, Robert
Kurk, Neal	L'Heureux, Robert	Leclerc, Charles	McRae, Karen
Milligan, Robert	Moncrief, Keith	Packard, Bonnie	Paquette, Rodolphe
Pepino, Leo	Rheault, Lillian	Riley, Frances	Rothhaus, Finlay
Sallada, Roland	Soucy, Richard	Tate, Joan	Upton, Barbara
Weergang, Alida	Wells, Peter, Sr.	Wheeler, Robert	Wright, George

MERRIMACK

Apple, Lowell
Langer, Ray
Whittemore, James

Barberia, Richard
Pfaff, Terence
Willis, Jack

Houlahan, Thomas
Shaw, Randall

Kennedy, Richard
Trombly, Rick

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Cote, Patricia
Dowling, Patricia
Hemenway, Thomas
Lee, Rebecca
Packard, Sherman
Rosencrantz, James
Smith, Arthur

Arndt, Janet
Bove, Martin
Crum, William, Jr.
Felch, Charles, Sr.
Hutchinson, Karen
Miller, Don
Pullman, Robert
Schanda, Joseph, Sr.
Stritch, C. Donald

Beaulieu, Jon
Chester, Sherman
DiPietro, Carmela
Flanagan, Natalie
Katsakiores, Phyllis
Moore, Benjamin
Raynowska, Bernard
Senter, Merilyn

Blake, Daniel
Cote, Charles
Dowd, Sandra
Flanders, David
Klemm, Arthur, Jr.
Noyes, Richard
Ritzo, Eugene
Simon, Peter

STRAFFORD

Chagnon, Ronald
Spear, Barbara
Wall, Janet

Douglass, Clyde
Sullivan, Henry

Hemon, Roland
Torr, Ralph

Hilliard, Dana
Vincent, Francis

SULLIVAN

Domini, Irene

Flint, Gordon

Stamatakis, Carol

and the amendment was adopted.

Report adopted and ordered to third reading.

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting article 4A of the uniform commercial code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: Articles 3 and 4 were last amended in New Hampshire in 1979. Banking has undergone revolutionary changes in the last 14 years. Among the major changes have been the advent of electronic banking, the variable rate mortgage note, and the acceleration of check processing under federal law. Additionally, large commercial transactions are funded frequently through paperless wire funds transfer. The new articles 3 and 4 accommodate the numerous changes in the banking world. Article 4A creates a new body of law governing the transfer of funds by electronic means. Currently banks are not required to return your cancelled checks. They do it as a service. The committee amendment addresses this and requires them to return your check to you unless you choose otherwise. New Hampshire consumers and bankers alike are best served by the adoption of this bill as amended. Vote 15-0.

Amendment (2707B)

Amend RSA 382-A:4-406(a) and (b) as inserted by section 1 of the bill by replacing it with the following:

382-A:4-406 Customer's Duty to Discover and Report Unauthorized Signature or Alteration.

(a) A bank that sends or makes available to a customer a statement of account showing payment of items for the account shall return or make available to the customer the items paid. If the customer agrees, the bank may not provide the items, but shall provide information in the statement of account sufficient to allow the customer reasonably to identify the items paid. The statement of account provides sufficient information if the item is described by item number, amount, and date of payment. If the bank does not return the items, it shall provide in the statement of account the telephone number that the customer may call to request an item or a legible copy thereof pursuant to subsection (b).

(b) If the items are not returned to the customer, the person retaining the items shall either retain the items or, if the items are destroyed, maintain the capacity to furnish legible copies of the items until the expiration of 7 years after receipt of the items. A customer may request an item from the bank which paid the item, and that bank must provide in a reasonable time and at a reasonable cost, either the item or, if the item has been destroyed or is not other-

wise obtainable, a legible copy of the item. A bank shall provide, upon request and without charge to the customer at least 10 items or a legible copy thereof with respect to each statement of account sent to the customer.

Adopted.

Report adopted and ordered to third reading.

SB 61, relative to substitution of alternate jurors after final submission of a case to the jury. **OUGHT TO PASS**

Rep. Robert A. Lockwood for Judiciary: Senate Bill 61 remedies a major flaw in our judicial law by allowing a judge in a jury trial to determine if a juror may be replaced by an alternate juror after a case has been submitted to a jury for deliberations. At present, there is no specific authorization for a judge to do this. The state's Supreme Court has ruled this bill is constitutional. Vote 13-0.

Adopted and ordered to third reading.

SB 194-FN, relative to seatbelt legislation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Reps. Sherman A. Packard, Roland M. Turgeon and Emma M. Dodge for the Majority of Transportation: The majority of the committee voted Inexpedient to Legislate, feeling that approximately 52% of the drivers are now buckling up, and that continued education and use of signs dealing with the juvenile seatbelt law will increase the use of seatbelts. The committee is not in favor of another government mandate for the citizens of New Hampshire. Vote 9-7.

Rep. Fred A. Kruse for the Minority of Transportation: This bill makes use of seatbelts mandatory when they are installed in a vehicle. By their use they will increase the number of lives saved. This is a common sense approach to take advantage of the safety equipment built into our vehicles to reduce the carnage on our highways. This year alone a mandatory seatbelt law could save 12 lives in New Hampshire. As amended, this bill would make non-compliance a secondary offense and would specifically forbid the assignment of driver points for such violations.

Rep. Klemarczyk moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

(Rep. Michael Hill in the Chair)

Reps. Emma Dodge, Daniels, Domaingue, George Katsakiores and Sherman Packard spoke against.

Reps. Robertson, Nehring, Copenhaver and Kruse spoke in favor.

Rep. Wells spoke against and yielded to questions.

(Speaker Burns in the Chair)

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 105

NAYS 263

**YEAS 105
BELKNAP**

Lafiam, Robert

Ziegra, Alice

CARROLL

None

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Metzger, Katherine
Richardson, Barbara

Burnham, Daniel
Lynch, Margaret
Pearson, Gertrude
Riley, William

Champagne, Richard
Manning, Joseph
Perry, David
Robertson, Timothy

Foster, Katherine
McNamara, Wanda
Pratt, Irene
Russell, Ronald

COOS

Bradley, Paula

Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Channing
Larson, Nils, Jr.
Wadsworth, Karen

Bean, Pamela
Copenhaver, Marion
McIlwaine, Deborah

Below, Clifton
Croy, Elizabeth
Nordgren, Sharon

Brown, Alson
Guest, Robert
Rose, William

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Haettenschwiller, Alphonse
Morello, Michael
Smith, Leonard

Ahlgren, Madelyn
Drabinowicz, A. Theresa
Hart, Nick
O'Rourke, Joanne
White, John

Ahrens, Frederick
Durham, Susan
Healy, Daniel
Peters, Stanley

Allen, W. Gordon
Ferguson, Charles
Kirby, Thomas
Sargent, Maxwell

MERRIMACK

Apple, Lowell
French, Barbara
Moore, Carol
Whittemore, James

Braiterman, Thea
Hall, Douglas
Regan, Maurice
Yeaton, Charles

Carter, Susan
Hill, Michael
Wallner, Mary Jane

Chandler, John
Johnson, C. William
Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
Crum, William, Jr.
Lovejoy, Marian
Ritzo, Eugene
Yennaco, Carol

Chester, Sherman
Kane, Cecelia
McGovern, Cynthia
Splaine, James

Christie, Andrew, Jr.
Klemarczyk, Thaddeus
O'Keefe, Patricia
St. Martin, Tommy

Clark, Martha
Kruse, Fred
Richards, David
Vaughn, Charles

STRAFFORD

Hambrick, Patricia
Lundborn, Raymond
O'Brien, John
Rogers, Rose Marie
Wheeler, Katherine

Hashem, Elaine
McCann, William, Jr.
Pageotte, Donald
Spear, Barbara

Kincaid, William
Merrill, Amanda
Pelletier, Arthur
Vincent, Francis

Loder, Suzanne
Nehring, William
Pelletier, Marsha
Wall, Janet

SULLIVAN

Allison, David
Kane, Joan

Behrens, Thomas
Lindblade, Eric

Flint, Gordon

Holl, Ann

NAYS 263**BELKNAP**

Bartlett, Gordon
Golden, Paul
Johnson, Carl
Smith, Linda

Cain, Thomas
Hauck, William
Lawton, David
Turner, Robert

Campbell, Richard, Jr.
Hawkins, Robert
Rice, Thomas, Jr.
Young, Niel

Dewhirst, Glenn
Holbrook, Robert
Salatiello, Thomas

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Hunt, John
Young, David

Cole, Stacey
McGuirk, Paul

DePecol, Benjamin
Royce, H. Charles

Delano, Robert
Smith, Edwin

COOS

Coulombe, Henry
Mears, Edgar

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Hawkinson, Marie
Wiswell, James

GRAFTON

Brown, Patricia
Eaton, Stephanie
LaMott, Paul
Ward, Kathleen

Chase, Paul, Jr.
Gordon, Edward
Scanlan, David
White, Paul

Dow, David
Ham, Bonnie
Teschner, Douglass

Driscoll, William
Hill, Richard
Trelfa, Richard

HILLSBOROUGH

Ahem, Richard
Bagley, Amy
Bowers, Dorothy
Cepaitis, Elizabeth
Cowenhoven, Garret
Desrosiers, William
Drolet, Paul
Foster, Linda
Gosselin, Gerald
Holley, Sylvia
Jasper, Shawn
Kelley, Dana
Lachut, Ervin
Lessard, Rudy
McCarty, Winston
Milligan, Robert
Morrissette, Roland
Paquette, Rodolphe
Plourde, Alphonse
Rothhaus, Finlay
Soucy, Donna
Turgeon, Roland
Wells, Peter, Sr.

Andrews, Frederick
Bergeron, Lucien
Buckley, Raymond
Chabot, Robert
Crotty, Edward
Dodge, Emma
Dyer, Merton
Franks, Suzan
Greenberg, Gary
Holt, David
Jean, Claudette
Kelley, Robert
Laughlin, J. Francis
Lown, Elizabeth
McNerney, Daniel
Mittelman, David
Murphy, Robert
Pepino, Leo
Reidy, Frank
Sallada, Roland
Soucy, Richard
Upton, Barbara
Wheeler, Robert

Arnold, Barbara
Bergeron, Normand
Burke, M. Virginia
Clemons, Jane
Daigle, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Gagnon, Eugene
Hanselman, Gregory
Holt, Mark
Jean, Loren
Kurk, Neal
Leclerc, Charles
Lozeau, Donnalee
McRae, Karen
Moncrief, Keith
Nardi, Theodora
Perkins, Paul
Rheault, Lillian
Searles, Stanley, Sr.
Tate, Joan
Vanderlosk, Stanley
Wright, George

Arnold, Thomas, Jr.
Borsa, Andrew
Calawa, Leon, Jr.
Cote, David
Daniels, Gary
Donovan, Francis
Fields, Dennis
Gervais, Glen
Holden, Carol
Hunter, Bruce
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
Martin, Mary Ellen
Mercer, Robert
Moore, Elizabeth
Packard, Bonnie
Philbrook, Paula
Riley, Frances
Smart, John
Toomey, Kathryn
Weergang, Alida

MERRIMACK

Barberia, Richard
Feuerstein, Martin
Houlahan, Thomas
Lockwood, Robert
Rogers, Katherine
Trombly, Rick

Buessing, Marjorie
Fillion, Paul
Johnson, Joyce May
Nichols, Avis
Shaw, Randall
Ward, Jay

Chandler, Earle
Gross, Caroline
Kennedy, Richard
Owen, Derek
Soldati, Jennifer
Whalley, Michael

Daneault, Gabriel
Holmes, Mary
Langer, Ray
Pfaff, Terence
Teague, Bert
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Clark, Vivian
Cote, Patricia
Dowling, Patricia
Fesh, Robert
Gorman, Donald
Hutchinson, Karen
Klemm, Arthur, Jr.
Miller, Don
Packard, Sherman
Raynowska, Bernard
Senter, Marilyn
Strich, C. Donald
Warburton, Calvin

Arndt, Janet
Bove, Martin
Coes, Betsy
Crossman, Harold, Jr.
Drake, Herbert
Flanagan, Natalie
Groves, Bonnie
Johnson, Robert
Lee, Rebecca
Moore, Benjamin
Pratt, Katharin
Rosencrantz, James
Simon, Peter
Syracusa, Anthony
Welch, David

Beaulieu, Jon
Campbell, Marilyn
Conroy, Janet
DiPietro, Carmela
Dube, LeRoy
Flanders, David
Hemenway, Thomas
Katsakiores, George
Malcolm, Kenneth
Newman, Rick
Pullman, Robert
Rubin, George
Skinner, Patricia
Sytek, Donna
Williamson, William

Blake, Daniel
Caswell, Albert, Jr.
Cote, Charles
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Hurst, Sharleene
Katsakiores, Phyllis
McKinney, Betsy
Noyes, Richard
Putnam, Ed, II
Schanda, Joseph, Sr.
Smith, Arthur
Sytek, John
Woods, Deborah

STRAFFORD

Brown, George
Douglass, Clyde
Hilliard, Dana

Brown, Julie
Dunlap, Patricia
Keans, Sandra

Callaghan, Frank
Gilmore, Gary
Knowles, William

Chagnon, Ronald
Hemon, Roland
McGrath, J. Gregory

McKinley, Robert
Sullivan, Henry
Wasson, Richard

Merritt, Deborah
Torr, Ann

Musler, George
Torr, Franklin

Snyder, Clair
Torr, Ralph

SULLIVAN

Burling, Peter
Peyron, Fredrik

Cloutier, John
Rodeschin, Beverly

Domini, Irene
Schotanus, Merle

Palmer, Lorraine
Stamatakis, Carol

and the motion failed.
Report adopted.

SB 154-A, establishing a regional vocational education center in Milford and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: This bill, as amended by the Appropriations Committee, increases the bonding authorization for construction of regional vocational education centers by \$5.5 million to fund the construction of a new vocational education center in Milford. Vote 17-0.

Amendment (2719B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to constructing regional vocational centers
and making an appropriation therefor.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill increases the amount of money that is available for the construction of regional vocational centers.

Adopted.

Report adopted and ordered to third reading.

REMOVED FROM THE TABLE

Rep. Scanlan moved that **HB 570-FN-L**, imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use, be removed from the table. (Pending question: ordering to third reading)

Adopted.

MOTION

Rep. Scanlan moved that **HB 570-FN-L**, imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use, be Re-referred to Committee and spoke in favor.

Adopted.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 20, 1993 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 139-FN-A, requiring the department of environmental services to design a river basin planning and assessment program and making an appropriation therefor.

SB 148-FN, making appropriations nonlapsing for regional vocational education tuition and transportation, and allowing the Kearsarge regional school district to hold its 1994 and 1995 annual meetings in such places as the officers deem appropriate.

SB 224-FN, relative to the statewide education improvement and assessment program and making an appropriation therefor.

SB 9, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9.

SB 4, relative to a capital appropriation for state house repairs.

SB 210-FN, relative to the division for children and youth services confidentiality statutes.

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting article 4A of the uniform commercial code.

SB 61, relative to substitution of alternate jurors after final submission of a case to the jury.

SB 154-A, establishing a regional vocational education center in Milford and making an appropriation therefor.

ENROLLED BILLS REPORT

HB 163, establishing and continually appropriating a leaking underground storage tank cost recovery fund.

HB 271, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws.

HB 393, relative to duties of supervisors of a checklist.

HB 216, allowing owners of homes damaged by disaster to place temporary manufactured housing on the lot while the home is being rebuilt.

HB 332, authorizing municipalities to create revolving funds to support public recreation parks.

SB 50, extending the report date and adding additional members to the law enforcement and prosecutor task force.

SB 60, relative to solicitation of prostitutes.

SB 72, relative to central business service districts and relative to the definition of "municipality."

SB 100, protecting animal facilities and organizations or projects involving animals.

Sen. Currier, Rep. Elizabeth Moore,
for the Committee

Rep. Gross moved that the House stand in recess for the purpose of introduction of Senate Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:53 p.m.

RECESS

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 27

Thursday, May 20, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by Deputy Speaker, Rep. Michael Hill.

His Excellency Governor Stephen Merrill joined the Deputy Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hayes Junkin, Pastor of St. Andrew's Episcopal Church in Hopkinton.

O, God, I ask Your blessing upon the work and deliberation of this our House of Representatives. I ask Your blessing upon each and every member here present who gives of his or her time and energy to promote the health, welfare and safety of the citizens of New Hampshire. Be present with them in the midst of this work to heal their pain, to ease their anxieties, to clear their minds and hearts for the work they must do. Be present to bless the loved ones they leave behind who must sacrifice family time for their call to serve others. In these often confusing and violent days, create in all of us clean hearts so that we may give thanks for our many blessings and be faithful stewards of Your bounty. Amen.

Rep. Richard Noyes led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mason, Pantelakos, Hutchinson, Record and Hashem, the day, illness.

Reps. Crum, Smart, Moncrief, Gagnon, Lessard, Scanlan, Weyler, Stone, Terninko, Horton and Katherine Wheeler, the day, important business.

Rep. Cloutier, the day, illness in the family.

INTRODUCTION OF GUESTS

Lindsey Brennan, guest of Rep. Burling. Frances Arsenault and Irene Dunbar, cousin and sister of Rep. Rose Marie Rogers. Ronald Tiveter, guest of Rep. Dowling. Charles Clark, guest of Rep. Dow.

GUESTS ON THE ROSTRUM

Emily Danforth, 1993 Gorham High School Valedictorian, guest of Rep. Paula Bradley. Carl Peterson, former House Clerk, guest of the House.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 476, establishing the crime of stalking. (Amendment printed SJ 18, 5/18/93)

Rep. Donna Sytek moved that the House concur.

Adopted.

HB 140-FN-A, establishing a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling. (Amendment printed SJ 17, 5/11/93)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scanlan, Jeb Bradley, Philbrick and Amanda Merrill.

HB 171-FN, changing procedures applicable to the board of registration in medicine, and clarifying the provisions providing immunity from civil action to members of the board of chiropractic examiners, board of registration in medicine, and board of examiners of psychology and mental health practice, and good faith immunity to others who provide information to these boards. (Amendment printed SJ 17, 5/11/93)

Rep. Kathleen Ward moved that the House concur.

Adopted.

HB 596-FN, to provide rulemaking notice to municipalities and legislators. (Amendment printed SJ 17, 5/11/93)

Rep. Kathleen Ward moved that the House concur.

Adopted.

HB 356-L, relative to legal disputes between the state and political subdivisions of the state regarding Article 28-a violations. (Amendment printed SJ 17, 5/11/93)

Rep. Lown moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Elizabeth Moore, Rothhaus, Gordon and DePecol.

HB 177-FN-L, establishing procedures for the removal of town clerks, tax collectors, and treasurers. (Amendment printed SJ 17, 5/11/93)

Rep. Wadsworth moved that the House concur.
Adopted.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 131, repealing a penalty provision regarding anabolic steroids.

The President appointed Sens. Podles, Colantuono and Cohen.

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure.

The President appointed Sens. Podles, Shaheen and Baldizar.

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas.

The President appointed Sens. Russman, Wayne King and MacDonald.

HB 399, removing a certain portion of the blue laws regarding Sunday business activity and relative to certain police regulations.

The President appointed Sens. Podles, Hollingworth and Colantuono.

HB 454-FN, removing the requirement that courts approve temporary transfers of county prisoners.

The President appointed Sens. Podles, Colantuono and Baldizar.

HB 456-FN, modifying the bail statutes relative to persons arrested for violating certain protective orders.

The President appointed Sens. Podles, Baldizar and Cohen.

HB 469-A, allowing the state treasurer to issue bonds to pay for debt issuance costs.

The President appointed Sens. Fraser, Barnes and Baldizar.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users.

The President appointed Sens. Russman, Wayne King and Pignatelli.

NONCONCURRENCE

HB 105-FN, removing the requirement that the state inspect meat by making the agriculture commissioner's authority in such matters discretionary.

HB 504, relative to organ transplants.

NONCONCURS WITH AMENDMENTS

SB 85, relative to the composition of the wetlands board.

SB 245, changing the penalties for driving while intoxicated or under the influence of drugs.

RE-REFERRED

HB 280, relative to zoning requirements for family day care homes.

HB 341, relative to a small employer insurance availability act and standardized medical benefits forms.

CONCURRENCE

HB 197, relative to insurance fraud.

HB 221-FN, modifying the fish and game department's eminent domain powers.

HB 275, allowing towns to create special funds for highway expenditures.

HB 453-FN, relative to delays in processing applications for state public assistance, and making an appropriation therefor.

HB 556-FN-A, offering a reward for the apprehension of former Newport district court judge, John C. Fairbanks, and making an appropriation therefor.

HB 567-FN-A, requiring the office of state planning to conduct a satellite survey of clearcut areas and making an appropriation therefor.

HB 572-FN-A, authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund, and appointing special deputy forest rangers.

HB 613-FN, requiring the director of the division of human services to adopt rules changing how earned income is calculated for people who receive aid to the permanently and totally disabled to be consistent with federal law.

HB 614-FN, changing the definition of disability for the purpose of receiving public assistance.

HCR 14, a resolution urging members of Congress to oppose aspects of the proposed federal energy tax which discriminates against heating oil consumers in the Northeast and Mid-Atlantic regions.

CONCURRENCE WITH AMENDMENTS

SB 22, relative to foreclosure notification waiver.

SB 35-FN-A, relative to organ transplants.

SB 39, making a technical correction in the enhanced 911 system law and specifying a 4-year term for the executive director of the bureau of emergency communications.

SB 42, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work and adding a member to the emergency medical services coordinating board.

SB 67, relative to wage assignment for child support.

SB 79, also known as the "Kimberly Goss Act", limiting persons arrested for a violent offense while on parole or probation for a similar offense from receiving bail.

SB 96, making the State Credit Union Act conform with the Federal Credit Union Act.

SB 102, establishing a committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on the state and to study certain incentives and propose a state policy regarding the use of alternative transportation fuel vehicles.

SB 103, relative to the construction of exit 10 on the Spaulding turnpike.

SB 111, relative to penalties for issuing bad checks.

SB 127, requiring that certain electric utility savings as a result of debt refinancings using tax-exempt pollution control revenue bonds be used for investment in energy conservation and efficiency.

SB 130, requiring disciplinary action against a physician for certain prohibited conduct.

SB 167-FN, requiring representatives of the New Hampshire Lodging and Restaurant Association, recycling organizations and New Hampshire waste management and hauling industries to formulate recycling strategies and goals.

SB 174-FN, relative to the notice to counties when children are placed by a court order.

SB 187-FN, relative to public utility ratemaking.

SB 202-FN, relative to special plates and windshield placards for persons with walking disabilities.

SB 203-FN-A, clarifying the applicability of the meals and rooms tax to colleges and universities.

SB 207-FN, relative to work incentives for families receiving Aid to Families with Dependent Children.

SB 213, relative to advance reservations on rooms.

SB 216-FN-L, relative to persons and estates chargeable for support.

SB 241-FN-A, increasing the cap on the continually-appropriated revolving fund for educational publications, and establishing a revolving fund for training and publications in the division of personnel, department of administrative services.

REMARKS

The Chairman of Appropriations, Rep. Channing Brown addressed the House.

**COMMITTEE REPORTS
CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 73-FN-A, making an appropriation to promote international tourism, was removed at the request of Rep. Avery.

Consent Calendar adopted.

SB 147, requiring the legislative budget assistant to study the state restricted and dedicated funds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: This bill, as amended by the Appropriations Committee, requires the LBA to study all state restricted and dedicated funds and report by November 1, 1993. It also requires the Appropriations and Ways and Means committees to recommend by December 1 revenue and budget adjustments if medicaid enhancement funds are not available for FY 95. Vote 20-1.

Amendment (2780B)

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the legislative budget assistant to study the state restricted and dedicated funds and requiring reports from the house appropriations committee and the house ways and means committee.

Amend the bill by replacing paragraph III of section 1 with the following:

III. The legislative budget assistant shall submit a report of its findings to the governor, the speaker of the house of representatives, and the president of the senate no later than January 1, 1994.

Amend the bill by replacing section 2 with the following:

2 Statement of Intent. The general court recognizes that the federal government may change the federal medicaid program by rule or by law in such a manner that affects the state budget for fiscal year 1995. Therefore, the general court hereby requires the house appropriations and house ways and means committees to submit reports as required under section 3 of this act.

3 Reports Required.

I. The house appropriations committee shall submit a report by December 1, 1993, regarding that committee's recommendations on specific cuts in appropriations totalling \$125,000,000 in general funds for Fiscal Year 1995 in the event that medicaid enhancement funds are not available for Fiscal Year 1995, and the house ways and means committee submit a report by December 1, 1993, regarding that committee's recommendations for means of substituting \$125,000,000 in general tax revenues for Fiscal Year 1995 in the event that medicaid enhancement funds are not available for Fiscal Year 1995.

II. Such reports shall be submitted to the governor and the speaker of the house.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the legislative budget assistant to perform a study of all the state restricted and dedicated funds. The study shall include what moneys are deposited in the funds, and the purposes for which the moneys are used. The legislative budget assistant shall complete the study by January 1, 1994.

The bill also requires the house appropriations committee and the house ways and means committee to submit reports by December 1, 1993, detailing their recommendations if the medicaid enhancement funds are not available for fiscal year 1995.

SB 178-FN, allowing the state to acquire rail properties for other transportation purposes, including recreational trails and making an appropriation therefor. **OUGHT TO PASS**

Rep. Gerald P. Merrill for Appropriations: This bill allows the state to acquire rail properties for other transportation purposes. It also allows for insuring continuous corridors including recreational trails. It spells out rights of the commissioner to reacquire parcels for purposes deemed necessary by the commissioner. Vote 19-0.

SB 196, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefore. **OUGHT TO PASS**

Rep. Neal M. Kurk for Appropriations: This bill appropriates \$1.00 for an economic development matching grants program. The Committee believes it important to put the program on the books now with the hope that additional funds may become available. Vote 19-1.

SB 222-FN-A-L, relative to property tax relief. **INEXPEDIENT TO LEGISLATE**

Rep. Robert L. Wheeler for Appropriations: The Committee felt that this bill would effectively eliminate the reserve fund which would have a detrimental effect on state finances. In addition it would have a detrimental effect on local finances in both competition for state dollars and in the event of a certificate of emergency. Vote 22-0.

SB 234-FN-A-L, relative to the return of revenue to cities and towns. **RE-REFER TO COMMITTEE**

Rep. Robert L. Wheeler for Appropriations: The Committee was in full sympathy with the intent of this bill; however present fiscal realities are such that its passage at this time is not feasible. The Committee therefore unanimously wishes to retain the bill for further study in hopes that it can be brought forward next session, when current constraints may be ameliorated by an improved revenue picture. Vote 22-0.

SB 52, relative to workers' compensation liability insurance and return of insurance premiums. **OUGHT TO PASS**

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: This bill requires premium refunds for liability insurance to be made within 30 days after the refund becomes due. Current law requires such refunds within 45 days after the refund is due. On auditable policies gross unearned premiums shall be returned within 30 days after the date of the completed audit of the insured. Vote 13-0.

SB 223-FN, allowing appeals of permanent impairment awards to the compensation appeals board. **OUGHT TO PASS**

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: This bill removes the section of the law which states that the commissioner's decision is final. In deleting this sentence decisions will be appealable to the compensation appeals board. Currently a claimant or insurer's right to appeal a decision of the Labor Department on a permanent impairment award is to the New Hampshire Supreme Court. This will speed up the process and be less costly. Vote 13-0.

SB 240, relative to the workers' compensation appeals board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: This bill requires the labor commissioner to appoint an administrator for the workers' compensation appeals board from existing full time staff. It also changes the membership of the board to 33 members from 21 members and clarifies the membership of the three-member panels appointed to hear the appeals. Vote 13-0.

Amendment (2138B)

Amend RSA 281-A:42-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall be an administratively attached agency under RSA 21-G:10, to the department of labor, but shall operate independently from the department.

AMENDED ANALYSIS

This bill requires the labor commissioner to appoint an administrator for the workers' compensation appeals board. The bill also changes the membership of the board to 33 members from 21 members and clarifies the membership of the 3-member panels appointed to hear the appeals.

REGULAR CALENDAR

SB 94, relative to workforce development, making an appropriation to the department of post-secondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Appropriations: This bill, as amended by the Appropriations Committee, removes the \$400,000 for the biennium for the job training program, eliminates paragraph IV under eligible costs to administer this program, and omits the words "from time to time" in section 11 about the Technology Research Park at the Pease International Tradeport. Vote 18-1.

Amendment (2778B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to workforce development, making an appropriation to support a pilot satellite program in Haverhill, establishing a job training program, and relative to a site for the Technology Research Park at the Pease International Tradeport.

Amend RSA 188-F:53 as inserted by section 9 of the bill by deleting paragraph IV.

Amend the bill by deleting section 10 and renumbering sections 11 and 12 to read as 10 and 11, respectively.

Amend the bill by replacing section 10 with the following:

10 Technology Research Park Site. The site for the Technology Research Park at the Pease International Tradeport shall be the land as may be designated in the Pease development authority's real estate plan.

AMENDED ANALYSIS

This bill adopts a policy for the state of New Hampshire to ensure the optimal development of the human resources required for a more productive labor force.

This bill appropriates funds to the department of postsecondary technical education to support establishing an office and providing a half-time local coordinator to administer a satellite program in Haverhill affiliated with the Berlin technical college. This program will serve as a pilot education and economic development project for other underserved areas of the state.

This bill establishes a job training program designed to enhance economic growth in the state. It also sets up a grant review committee to oversee the training grant process.

The bill also specifies the site for the Technology Research Park at the Pease International Tradeport.

Adopted.

Rep. Simon spoke against the amended Committee Report.

Report adopted and ordered to third reading.

SB 151-FN-A-L, requiring an animal population fee in addition to licensure fees for certain dogs and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stacey W. Cole for Appropriations: This bill establishes a state animal population control program that will provide for low-cost spaying and neutering services administered by the NH Department of Agriculture. Start-up costs will be from general funds to be repaid from an addition to the licensure fees for certain dogs. Vote 14-7.

Rep. Behrens moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Wadsworth yielded to questions.

Reps. Hurst, St. Martin, Richard Hill and Cole spoke against and yielded to questions.

Rep. Robert Wheeler spoke in favor and yielded to question.

Rep. Salatiello spoke against.

(Speaker Burns in the Chair)

Rep. Trelfa spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 162**NAYS 197****YEAS 162****BELKNAP**

Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul	Hawkins, Robert
Holbrook, Robert	Johnson, Carl	Lafam, Robert	Lawton, David
Rice, Thomas, Jr.	Turner, Robert		

CARROLL

Allard, Nanci	Chandler, Gene	Cogswell, Richard	Lyman, L. Randy
Philbrick, Donald	Saunders, Howard	Wiggin, Allen	Wiggin, Gordon

CHESHIRE

McGuirk, Paul	McNamara, Wanda	Perry, David	Royce, H. Charles
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COOS

Bradley, Paula	Coulombe, Henry	Pratt, Leighton
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GRAFTON

Bean, Pamela	Dow, David	Driscoll, William	LaMott, Paul
Larson, Nils, Jr.	Nordgren, Sharon	Rose, William	Trelfa, Richard
Wadsworth, Karen			

HILLSBOROUGH

Andrews, Frederick	Borsa, Andrew	Burke, M. Virginia	Clemons, Jane
Daigle, Robert	Daniels, Gary	Desrosiers, William	Dodge, Emma
Domaigne, Jacquelyn	Donovan, Francis	Drabinowicz, A. Theresa	Dyer, Merton
Dykstra, Leona	Fenton, James	Ferguson, Charles	Foster, Linda
Franks, Suzan	Gage, Ruth	Hanselman, Gregory	Holden, Carol
Holt, David	Holt, Mark	Hunter, Bruce	Jasper, Shawn
Kelley, Dana	Kelley, Robert	Kurk, Neal	L'Heureux, Robert
Lachut, Ervin	Laughlin, J. Francis	Leclerc, Charles	Lefebvre, Roland
Lown, Elizabeth	Martin, Mary Ellen	McNerney, Daniel	Mercer, Robert
Plourde, Alphonse	Reidy, Frank	Rheault, Lillian	Riley, Frances
Rothhaus, Finlay	Searles, Stanley, Sr.	Tate, Joan	Turgeon, Roland
Upton, Barbara	Weergang, Alida	Wheeler, Robert	Wright, George

MERRIMACK

Buessing, Marjorie	Carter, Susan	Chandler, Earle	Daneault, Gabriel
Feuerstein, Martin	Gilbreth, Robert	Langer, Ray	Lockwood, Robert
Nichols, Avis	Owen, Derek	Pfaff, Terence	Regan, Maurice
Shaw, Randall	Teague, Bert	Whittemore, James	Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Blake, Daniel	Boucher, William
Bove, Martin	Campbell, Marilyn	Chester, Sherman	Cote, Charles
Cote, Patricia	Crossman, Harold, Jr.	Dowd, Sandra	Dowling, Patricia
Drake, Herbert	Dube, LeRoy	Felch, Charles, Sr.	Fesh, Robert
Flanders, David	Gage, Beverly	Gargiulo, Louis	Gorman, Donald
Groves, Bonnie	Johnson, Robert	Klemarczyk, Thaddeus	Klemm, Arthur, Jr.
Lee, Rebecca	Lovejoy, Marian	Malcolm, Kenneth	McGovern, Cynthia
McKinney, Betsy	Miller, Don	Moore, Benjamin	Noyes, Richard
Packard, Sherman	Pullman, Robert	Putnam, Ed, II	Schanda, Joseph, Sr.
Senter, Merilyn	Simon, Peter	Sytek, Donna	Sytek, John
Warburton, Calvin	Woods, Deborah		

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Douglass, Clyde
Hemon, Roland	Keans, Sandra	Pageotte, Donald	Rogers, Rose Marie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Torr, Franklin	Torr, Ralph	Vincent, Francis	Wall, Janet

SULLIVAN

Behrens, Thomas	Domini, Irene	Peyron, Fredrik	Rodeschin, Beverly
Schotanus, Merle	Stamatakis, Carol		

NAYS 197**BELKNAP**

Bartlett, Gordon	Hauck, William	Salatiello, Thomas	Smith, Linda
Ziegra, Alice			

CARROLL

Beach, Mildred	Bradley, Jeb	Foster, Robert	Mock, Henry
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CHESHIRE

Avery, Stephen	Bonneau, Sarah	Champagne, Richard	Cole, Stacey
DePecol, Benjamin	Delano, Robert	Foster, Katherine	Hunt, John
Kingsbury, H. Thayer	Lynch, Margaret	Manning, Joseph	Metzger, Katherine
Pearson, Gertrude	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Russell, Ronald	Smith, Edwin	Young, David	

COOS

Foss, Frederic	Guay, Lawrence	Hawkinson, Marie	Mayhew, Josephine
Mears, Edgar	Merrill, Gerald	Wiswell, James	

GRAFTON

Adams, Carl	Below, Clifton	Brown, Alson	Brown, Channing
Brown, Patricia	Chase, Paul, Jr.	Copenhaver, Marion	Crory, Elizabeth
Eaton, Stephanie	Gordon, Edward	Guest, Robert	Ham, Bonnie
Hill, Richard	McIlwaine, Deborah	Teschner, Douglass	White, Paul

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Ahlgren, Madelyn	Ahrens, Frederick
Allen, W. Gordon	Amidon, Eleanor	Arnold, Barbara	Arnold, Thomas, Jr.
Asselin, Robert	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Bowers, Dorothy	Buckley, Raymond	Calawa, Leon, Jr.	Cepaitis, Elizabeth
Chabot, Robert	Cote, David	Cowenhoven, Garret	Crotty, Edward
Drolet, Paul	Durham, Susan	Eliades, George	Fields, Dennis
Gervais, Glen	Gosselin, Gerald	Greenberg, Gary	Haettenschwiller, Alphonse
Hall, Betty	Hart, Nick	Healy, Daniel	Holley, Sylvia
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kirby, Thomas
Lozeau, Donnalee	McCann, Bonnie	McCarty, Winston	Messier, Irene
Milligan, Robert	Mittelman, David	Moore, Elizabeth	Morello, Michael
Morrisette, Roland	Murphy, Robert	Nardi, Theodora	O'Rourke, Joanne
Packard, Bonnie	Pepino, Leo	Perkins, Paul	Peters, Stanley
Philbrook, Paula	Sallada, Roland	Sargent, Maxwell	Smith, Leonard
Soucy, Donna	Soucy, Richard	Toomey, Kathryn	Vanderlosk, Stanley
Wells, Peter, Sr.	White, John		

MERRIMACK

Barberia, Richard	Chandler, John	Dunn, Miriam	Fillion, Paul
French, Barbara	Gross, Caroline	Hall, Douglas	Hill, Michael
Holmes, Mary	Houlahan, Thomas	Johnson, C. William	Johnson, Joyce May
Kidder, William	Moore, Carol	Newland, Matthew	Rogers, Katherine
Soldati, Jennifer	Stapleton, Henry	Trombly, Rick	Wallner, Mary Jane
Ward, Jay	Weeks, John, Jr.	Whalley, Michael	Yeaton, Charles

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Bell, Juanita	Caswell, Albert, Jr.
Clark, Martha	Clark, Vivian	Coes, Betsy	Conroy, Janet
Flanagan, Natalie	Flanders, John, Sr.	Hemenway, Thomas	Hurst, Sharleene
Johnson, Bill	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kruse, Fred	Newman, Rick	O'Keefe, Patricia	Pratt, Katharin
Raynowska, Bernard	Richards, David	Ritzo, Eugene	Rosencrantz, James
Rubin, George	Skinner, Patricia	Smith, Arthur	Splaine, James
St. Martin, Tommy	Stritch, C. Donald	Syracusa, Anthony	Vaughn, Charles
Welch, David	Williamson, William	Yennaco, Carol	

STRAFFORD

Brown, Julie	Dunlap, Patricia	Gilmore, Gary	Hambrick, Patricia
Hilliard, Dana	Kincaid, William	Knowles, William	Loder, Suzanne
McCann, William, Jr.	McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda
Merritt, Deborah	Musler, George	Nehring, William	O'Brien, John
Pelletier, Arthur	Pelletier, Marsha	Wasson, Richard	

SULLIVAN

Allison, David	Burling, Peter	Holl, Ann	Kane, Joan
Lindblade, Eric	Palmer, Lorraine		

and the motion failed.

Amendment (2824B)

Amend RSA 437-A:2 as inserted by section 3 of the bill by replacing it with the following:

437-A:2 Program Established. The department shall establish and implement an animal population control program. The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them permanently sexually sterilized, thereby reducing potential threats to public health and safety from mid-Atlantic rabies and other sources. The program shall not begin operation until June 1, 1994. The commissioner shall make an annual report relative to the progress of the program beginning on September 1, 1994, to the president of the senate, the speaker of the house and the governor.

Amend RSA 437-A:4, II(a) and (b) as inserted by section 3 of the bill by replacing it with the following:

II.(a) The commissioner shall reimburse, to the extent funds are available, participating veterinarians for 80 percent of the fee, less payment paid by the owner to the veterinarian as provided in RSA 437-A:3, for each animal sterilization procedure administered. To receive this reimbursement, the veterinarian shall submit an animal sterilization certificate which shall be signed by the veterinarian and the owner of the animal.

(b) For all animals sterilized under RSA 437-A:3, II, the commissioner shall also reimburse, to the extent funds are available, any licensed veterinarian of this state participating in such program for the presurgical immunization of dogs against rabies, distemper, hepatitis, leptospirosis, and parvovirus, or the presurgical immunization of cats against rabies, feline panleukopenia, calici, pneumonitis and rhinotracheitis, as the case may be. Reimbursement for the presurgical immunization shall be no more than \$15, upon the written certification, signed by the veterinarian and the owner of the animal, that the immunization has been administered. Owners of animals sterilized under RSA 437-A:3, I who have adopted such animals from shelters shall pay the cost of all presurgical immunizations directly to the participating veterinarian.

Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$80,000 for the fiscal year ending June 30, 1994, and the sum of \$160,000 for the fiscal year ending June 30, 1995, are hereby appropriated to the department of agriculture for the purposes of this act. These appropriations shall lapse June 30, 1995, and shall be in addition to other funds appropriated to the department of agriculture. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

On a division vote, 234 members having voted in the affirmative and 124 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Hawkins moved that the House reconsider its action whereby it adopted the Committee Report of Inexpedient to Legislate on **SB 156-FN-A**, relative to the Portsmouth Naval Shipyard and making an appropriation therefor, and spoke in favor.

On a division vote, 246 members having voted in the affirmative and 101 in the negative, reconsideration prevailed.

Rep. Syracuse moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate on **SB 156-FN-A**, spoke in favor and yielded to questions.

Reps. Channing Brown spoke in favor.

Rep. Vaughn spoke in favor and yielded to questions

Roll call request sufficiently seconded. The question being the adoption of the substitute motion.

YEAS 309

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.
Turner, Robert

Cain, Thomas
Hawkins, Robert
Rosen, Ralph
Ziegra, Alice

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Philbrick, Donald

Avery, Stephen
Cole, Stacey
Hunt, John
McGuirk, Paul
Pratt, Irene
Russell, Ronald

Bonneau, Sarah
DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Smith, Edwin

Bradley, Paula
Hawkinson, Marie
Wiswell, James

Coulombe, Henry
Mayhew, Josephine

Adams, Carl
Brown, Patricia
Dow, David
Guest, Robert
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Bean, Pamela
Chase, Paul, Jr.
Driscoll, William
Ham, Bonnie
McIlwaine, Deborah
Trelfa, Richard

Ackerman, Philip
Allen, W. Gordon
Asselin, Robert
Buckley, Raymond

Ahern, Richard
Arnidon, Eleanor
Bergeron, Lucien
Burke, M. Virginia

NAYS 56

YEAS 309

BELKNAP

Campbell, Richard, Jr.
Holbrook, Robert
Salatiello, Thomas

Golden, Paul
Laffam, Robert
Smith, Linda

CARROLL

Cogswell, Richard
Saunders, Howard

Foster, Robert
Wiggin, Gordon

CHESHIRE

Burnham, Daniel
Delano, Robert
Lynch, Margaret
Pearson, Gertrude
Riley, William
Young, David

Champagne, Richard
Foster, Katherine
Manning, Joseph
Perry, David
Royce, H. Charles

COOS

Foss, Frederic
Mears, Edgar

Guay, Lawrence
Pratt, Leighton

GRAFTON

Below, Clifton
Copenhaver, Marion
Eaton, Stephanie
Hill, Richard
Nordgren, Sharon
Wadsworth, Karen

Brown, Channing
Croy, Elizabeth
Gordon, Edward
LaMott, Paul
Rose, William
Ward, Kathleen

HILLSBOROUGH

Ahlgren, Madelyn
Andrews, Frederick
Bergeron, Normand
Calawa, Leon, Jr.

Ahrens, Frederick
Arnold, Barbara
Bowers, Dorothy
Cepaitis, Elizabeth

Chabot, Robert
 Crotty, Edward
 Drolet, Paul
 Fenton, James
 Gage, Ruth
 Haettenschwiller, Alphonse
 Holden, Carol
 Jean, Claudette
 Kirby, Thomas
 Leclerc, Charles
 McCann, Bonnie
 Milligan, Robert
 Morrisette, Roland
 Packard, Bonnie
 Philbrook, Paula
 Sallada, Roland
 Toomey, Kathryn
 Wheeler, Robert

Clemons, Jane
 Domaingue, Jacquelyn
 Durham, Susan
 Fields, Dennis
 Gervais, Glen
 Hall, Betty
 Holley, Sylvia
 Johnson, Lionel
 L'Heureux, Robert
 Lefebvre, Roland
 McNerney, Daniel
 Mittelman, David
 Murphy, Robert
 Pepino, Leo
 Plourde, Alphonse
 Soucy, Donna
 Turgeon, Roland
 White, John

Cote, David
 Donovan, Francis
 Dyer, Merton
 Foster, Linda
 Gosselin, Gerald
 Hanselman, Gregory
 Holt, David
 Kelley, Dana
 Lachut, Ervin
 Lown, Elizabeth
 Mercer, Robert
 Moore, Elizabeth
 Nardi, Theodora
 Perkins, Paul
 Reidy, Frank
 Soucy, Richard
 Vanderosk, Stanley

Cowenhoven, Garret
 Drabinowicz, A. Theresa
 Dykstra, Leona
 Franks, Suzan
 Greenberg, Gary
 Healy, Daniel
 Holt, Mark
 Kelley, Robert
 Laughlin, J. Francis
 Martin, Mary Ellen
 Messier, Irene
 Morello, Michael
 O'Rourke, Joanne
 Peters, Stanley
 Rodgers, G. Philip
 Tate, Joan
 Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
 Daneault, Gabriel
 French, Barbara
 Holmes, Mary
 Kennedy, Richard
 Owen, Derek
 Stapleton, Henry
 Ward, Jay
 Willis, Jack

Buessing, Marjorie
 Dunn, Miriam
 Gilbreth, Robert
 Houlahan, Thomas
 Kidder, William
 Pfaff, Terence
 Teague, Bert
 Weeks, John, Jr.
 Yeaton, Charles

Carter, Susan
 Feuerstein, Martin
 Gross, Caroline
 Johnson, C. William
 Moore, Carol
 Rogers, Katherine
 Trombly, Rick
 Whalley, Michael

Chandler, John
 Fillion, Paul
 Hill, Michael
 Johnson, Joyce May
 Nichols, Avis
 Soldati, Jennifer
 Wallner, Mary Jane
 Whittemore, James

ROCKINGHAM

Arndt, Janet
 Boucher, William
 Chester, Sherman
 Coes, Betsy
 Crossman, Harold, Jr.
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Hemenway, Thomas
 Kane, Cecelia
 Klemm, Arthur, Jr.
 Miller, Don
 O'Keefe, Patricia
 Richards, David
 Senter, Merilyn
 St. Martin, Tommy
 Vaughn, Charles
 Yennaco, Carol

Battles, Marjorie
 Bove, Martin
 Christie, Andrew, Jr.
 Conroy, Janet
 Dowd, Sandra
 Fesh, Robert
 Gage, Beverly
 Hurst, Sharleene
 Katsakiores, George
 Lovejoy, Marian
 Moore, Benjamin
 Packard, Sherman
 Rosencrantz, James
 Skinner, Patricia
 Stritch, C. Donald
 Welch, David

Bell, Juanita
 Campbell, Marilyn
 Clark, Martha
 Cote, Charles
 Dowling, Patricia
 Flanagan, Natalie
 Gorman, Donald
 Johnson, Bill
 Katsakiores, Phyllis
 Malcolm, Kenneth
 Newman, Rick
 Pratt, Katharin
 Rubin, George
 Smith, Arthur
 Syracuse, Anthony
 Williamson, William

Blake, Daniel
 Caswell, Albert, Jr.
 Clark, Vivian
 Cote, Patricia
 Drake, Herbert
 Flanders, David
 Groves, Bonnie
 Johnson, Robert
 Klemarczyk, Thaddeus
 McGovern, Cynthia
 Noyes, Richard
 Putnam, Ed, II
 Schanda, Joseph, Sr.
 Splaine, James
 Sytek, Donna
 Woods, Deborah

STRAFFORD

Brown, George
 Douglass, Clyde
 Hemon, Roland
 Knowles, William
 McKinley, Robert
 Nehring, William

Brown, Julie
 Dunlap, Patricia
 Hilliard, Dana
 Loder, Suzanne
 Merrill, Amanda
 O'Brien, John

Callaghan, Frank
 Gilmore, Gary
 Keans, Sandra
 McCann, William, Jr.
 Merritt, Deborah
 Pageotte, Donald

Chagnon, Ronald
 Hambrick, Patricia
 Kincaid, William
 McGrath, J. Gregory
 Musler, George
 Pelletier, Arthur

Pelletier, Marsha
Sullivan, Henry
Vincent, Francis

Rogers, Rose Marie
Torr, Ann
Wall, Janet

Snyder, Clair
Torr, Franklin
Wasson, Richard

Spear, Barbara
Torr, Ralph

SULLIVAN

Allison, David
Flint, Gordon
Palmer, Lorraine

Behrens, Thomas
Holl, Ann
Peyron, Fredrik

Burling, Peter
Kane, Joan

Domini, Irene
Lindblade, Eric

NAYS 56 BELKNAP

Johnson, Carl

Lawton, David

CARROLL

Allard, Nanci

Chandler, Gene

Mock, Henry

Wiggin, Allen

CHESHIRE

Metzger, Katherine

Robertson, Timothy

COOS

Merrill, Gerald

GRAFTON

Brown, Alson

HILLSBOROUGH

Arnold, Thomas, Jr.
Desrosiers, William
Hart, Nick
Kurk, Neal
Rheault, Lillian
Searles, Stanley, Sr.
Wright, George

Bagley, Amy
Dodge, Emma
Hunter, Bruce
Lozeau, Donnalee
Riley, Frances
Smith, Leonard

Borsa, Andrew
Eliades, George
Jasper, Shawn
McCarty, Winston
Rothhaus, Finlay
Upton, Barbara

Daniels, Gary
Ferguson, Charles
Jean, Loren
Paquette, Rodolphe
Sargent, Maxwell
Weergang, Alida

MERRIMACK

Chandler, Earle
Newland, Matthew

Hall, Douglas
Regan, Maurice

Langer, Ray
Shaw, Randall

Lockwood, Robert

ROCKINGHAM

Aranda, M. Kathryn
Lee, Rebecca
Simon, Peter

Beaulieu, Jon
McKinney, Betsy
Sytek, John

Dube, LeRoy
Raynowska, Bernard
Warburton, Calvin

Kruse, Fred
Ritzo, Eugene

STRAFFORD

None

SULLIVAN

Rodeschin, Beverly

Schotanus, Merle

Stamatakis, Carol

and the motion was adopted.

Rep. Ritzo notified the Clerk that he voted nay and intended to vote yea.

Reps. Syracuse, Vaughn and Hawkins offered a floor amendment.

Floor Amendment (2828B)

Amend the bill by replacing sections 1 and 2 with the following:

1 Purpose; Report. The money appropriated in section 2 of this act shall be used to preserve existing jobs at the Portsmouth Naval Shipyard and for strategic planning in an effort to keep the shipyard open. The person in charge of an agency or organization which receives money appropriated in section 2 of this act shall make a report detailing the manner in which the moneys are being expended on or before June 30, 1995. The report shall be given to the senate president, the speaker of the house, and the governor.

2 Appropriation. The sum of \$50,000 for the fiscal year ending June 30, 1993, is hereby appropriated to the department of administrative services for the purposes of allocating funds, with prior approval of the fiscal committee and governor and council, to the seacoast shipyard association and/or to any agency or organization deemed appropriate by the governor and council to accomplish the purposes of section 1 of this act. The appropriation shall not lapse until June 30, 1995. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

Adopted.

Report adopted and ordered to third reading.

REGULAR CALENDAR (Cont'd.)

SB 158, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund, creating a bi-state commission for economic security and allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles W. Ferguson for Appropriations: The Appropriations Committee found that money was needed to administer the program. The amendment funds the administration of the program from funds in HB 1-A for the emergency shelter program. Vote 12-5.

Amendment (2782B)

Amend RSA 126-A:93 as inserted by section 2 of the bill by replacing it with the following:
126-A:93 Allocation and Designation of Guarantee Capacity; Administration.

I. Upon application from a local housing security provider in such form as the division may require, the division may allocate and commit itself to issue, and the local housing security provider may be authorized to process applications and provide the ancillary services connected with the issuance of, guarantee certificates for the purposes of this subdivision. In no event shall the aggregate guarantee amounts allocated by the division to all local housing security providers exceed \$1,000,000. The division shall allocate the aggregate guarantee certificate capacity authorized by this section in a manner which takes into account both housing needs and geographic diversity.

II. The division may expend no more than \$100,000 per fiscal year from funds appropriated to the emergency shelter program, established in RSA 126-A:43-b, for the purposes of administering this subdivision.

Adopted.

Report adopted and ordered to third reading.

SB 159, relative to technological development, relative to inventor assistance and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Appropriations: This bill, as amended by the Appropriations Committee, removes the sum of \$200,000 for the biennium relative to technological development and inventor assistance and substitutes \$1.00. Vote 16-4.

Amendment (2775B)

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the biennium ending June 30, 1995, is hereby appropriated to the industrial research center at the University of New Hampshire for deposit into the fund established in RSA 187-A:37 to be used for the startup costs of the inventors assistance program. The governor is authorized to draw his warrant for said sum out of any moneys in the treasury not otherwise appropriated.

Rep. Burling spoke against and yielded to questions.

Rep. Vaughn spoke in favor and yielded to questions.

Rep. Schotanus spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 169-FN-A, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merle W. Schotanus for Appropriations: The Appropriations Committee amendment to this bill implements the request of the Ways and Means and Resources, Recreation and Development committees to remove from the groundwater permitting process the requirement that the Department of Environmental Services file notice with the county registry of deeds that an environmental site assessment has been completed. Vote 17-3.

Amendment (2762B)

Amend RSA 485:3-b as inserted by section 2 of the bill by replacing it with the following:
485:3-b Site Assessment Review Fee.

I. Any person, except for state and local governments including counties and political subdivisions, who requests an expedited review of environmental site assessment reports by the department shall pay to the department a review fee based on the equalized assessed valuation of the property as follows:

<i>Equalized Assessed Valuation</i>	<i>Fee</i>
\$0 to \$250,000	\$1,200
\$250,000 to \$500,000	\$1,500
\$500,000 to \$1,000,000	\$2,500
greater than \$1,000,000	\$5,000

II. The department shall provide written comments within 60 days after the date such reports and the required fees are received by the department.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

Adopted.

Report adopted and ordered to third reading.

SB 170-FN-A-L, relative to the distribution of meals and rooms tax revenue. **OUGHT TO PASS WITH AMENDMENT**

Rep. Channing T. Brown for Appropriations: This bill provides an increase in aid to cities and towns through a change in the distribution of the rooms and meals tax. The rooms and meals tax distribution will now be made on a per capita basis rather than through the revenue sharing formula. Increases are based on any increase received in the rooms and meals tax. The amendment places a floor of \$47,300,000 on the revenue sharing distribution which reflects the removal of rooms and meals tax revenue from the revenue sharing formula, plus alters the manner in which transfers into the rainy day fund are calculated. The rainy day fund will be filled over a three biennium period, thus enhancing its role of smoothing out the annual variations caused by the economy. Vote 21-0.

Amendment (2821B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the distribution of meals and rooms tax revenue, establishing a minimum annual amount to be appropriated for revenue distribution to cities and towns, and relative to funding the revenue stabilization reserve account.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 4 and 5, respectively:

2 Minimum Established for Amount of Revenue Returnable to Cities and Towns. Amend the introductory paragraph of RSA 31-A:4 to read as follows:

31-A:4 Determination of Amounts Returnable. The state treasurer shall distribute to the cities and towns each year the amount appropriated by the general court according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenues to local governments, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the department of revenue administration; and multiplying the result by the local population to produce an equaliz-

ing factor for each city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each such normalized factor shall be multiplied by the total amount to be distributed to the cities and towns to produce the annual share of each city or town. *Under no circumstances shall the amount appropriated under this section be less than \$47,300,000 annually.* Provided, however, that no city or town shall receive under the provisions of this section an amount less than the sum of:

3 Limitation on Amount Deposited into the Revenue Stabilization Reserve Account. Amend RSA 9:13-e, II to read as follows:

II. There is hereby established within the general fund general ledger a revenue stabilization reserve account. At the close of each fiscal biennium, any surplus, as determined by the official audit performed pursuant to RSA 21-I:8, I(h) shall be transferred by the comptroller to a special nonlapsing revenue stabilization reserve account; *provided, however, that in any single fiscal year such transfer shall not exceed 1/3 of the potential maximum balance allowable under paragraph V.* The comptroller is hereby directed to establish said revenue stabilization reserve account in which to deposit all money received from any general fund operating budget surplus. The state treasurer shall invest funds in this account as authorized by RSA 6:8. The interest so earned shall be deposited as unrestricted general fund revenue.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 3 of this act shall take effect June 21, 1993.

II. The remainder of this act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill changes the way revenue from the meals and rooms tax is distributed to cities and towns beginning in 1995. Sixty percent of the revenue is deposited into the general fund, and 40 percent is returned to cities and towns based on population.

Special provision is made for the distributions in fiscal years 1995 and 1996, specifying certain amounts which go into the general fund, and to cities and towns. For fiscal year 1997 and each year thereafter, the amount to be distributed will be equal to the prior year's distribution plus \$5,000,000, until such time as the total amount distributed annually is equal to the 40 percent amount returned to cities and towns based on population.

The bill establishes a minimum annual amount to be appropriated for revenue distribution to cities and towns of \$47,300,000.

The bill also limits the amount which may be deposited into the revenue stabilization reserve account in any single fiscal year to 1/3 of the potential maximum balance allowable under law.

Rep. Kurk requested that Section 3 of the amendment be voted on separately. The Chair ruled that the question was divisible.

Reps. Kurk and Welch spoke against Section 3 and yielded to questions.

Reps. O'Rourke and Trombly spoke in favor.

Rep. Domaingue spoke against.

Rep. Gross spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of Section 3 of the Amendment.

YEAS 246

NAYS 117

**YEAS 246
BELKNAP**

Bartlett, Gordon
Holbrook, Robert
Ziegler, Alice

Cain, Thomas
Rosen, Ralph

Campbell, Richard, Jr.
Salatiello, Thomas

Hawkins, Robert
Smith, Linda

CARROLL

Philbrick, Donald

Saunders, Howard

CHESHIRE

Avery, Stephen
Cole, Stacey

Bonneau, Sarah
DePecol, Benjamin

Burnham, Daniel
Foster, Katherine

Champagne, Richard
Hunt, John

Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Russell, Ronald

Lynch, Margaret
Pearson, Gertrude
Riley, William

Manning, Joseph
Perry, David
Robertson, Timothy

McGuirk, Paul
Pratt, Irene
Royce, H. Charles

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Pratt, Leighton

Hawkinson, Marie
Wiswell, James

Mayhew, Josephine

COOS

Adams, Carl
Brown, Channing
Gordon, Edward
Larson, Nils, Jr.
Wadsworth, Karen

Bean, Pamela
Brown, Patricia
Guest, Robert
McIlwaine, Deborah
Ward, Kathleen

Below, Clifton
Copenhaver, Marion
Ham, Bonnie
Nordgren, Sharon

Brown, Alson
Croy, Elizabeth
LaMott, Paul
Teschner, Douglass

GRAFTON

Ackerman, Philip
Amidon, Eleanor
Asselin, Robert
Bowers, Dorothy
Cote, David
Dodge, Emma
Dyer, Merton
Franks, Suzan
Haettenschwiller, Alphonse
Healy, Daniel
Kelley, Dana
Lachut, Ervin
Lozeau, Donnalee
Mercer, Robert
Morello, Michael
Packard, Bonnie
Philbrook, Paula
Sargent, Maxwell
Soucy, Richard
Vanderlosk, Stanley

Ahern, Richard
Andrews, Frederick
Bagley, Amy
Buckley, Raymond
Cowenhoven, Garret
Drabinowicz, A. Theresa
Ferguson, Charles
Gage, Ruth
Hall, Betty
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
Martin, Mary Ellen
Messier, Irene
Morrissette, Roland
Paquette, Rodolphe
Plourde, Alphonse
Searles, Stanley, Sr.
Toomey, Kathryn
Wheeler, Robert

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Lucien
Calawa, Leon, Jr.
Crotty, Edward
Durham, Susan
Fields, Dennis
Gervais, Glen
Hanselman, Gregory
Jean, Claudette
Kirby, Thomas
Lefebvre, Roland
McCann, Bonnie
Mittelman, David
Murphy, Robert
Perkins, Paul
Reidy, Frank
Smith, Leonard
Turgeon, Roland
White, John

Allen, W. Gordon
Arnold, Thomas, Jr.
Bergeron, Normand
Clemons, Jane
Daigle, Robert
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Hart, Nick
Johnson, Lionel
L'Heureux, Robert
Lown, Elizabeth
McNerney, Daniel
Moore, Elizabeth
O'Rourke, Joanne
Peters, Stanley
Rodgers, G. Philip
Soucy, Donna
Upton, Barbara

HILLSBOROUGH

MERRIMACK

Carter, Susan
Fillion, Paul
Hall, Douglas
Johnson, C. William
Moore, Carol
Regan, Maurice
Teague, Bert
Whalley, Michael

Daneault, Gabriel
French, Barbara
Hill, Michael
Johnson, Joyce May
Newland, Matthew
Rogers, Katherine
Trombly, Rick
Whittemore, James

Dunn, Miriam
Gilbreth, Robert
Holmes, Mary
Kidder, William
Owen, Derek
Shaw, Randall
Wallner, Mary Jane
Yeaton, Charles

Feuerstein, Martin
Gross, Caroline
Houlahan, Thomas
Lockwood, Robert
Pfaff, Terence
Soldati, Jennifer
Weeks, John, Jr.

ROCKINGHAM

Aranda, M. Kathryn
Clark, Martha
Dowling, Patricia
Gage, Beverly
Johnson, Bill
Katsakiores, Phyllis
Lovejoy, Marian
O'Keefe, Patricia

Bell, Juanita
Coes, Betsy
Drake, Herbert
Groves, Bonnie
Johnson, Robert
Klemarczyk, Thaddeus
McGovern, Cynthia
Richards, David

Campbell, Marilyn
Conroy, Janet
Flanagan, Natalie
Hemenway, Thomas
Kane, Cecelia
Kruse, Fred
Miller, Don
Ritzo, Eugene

Caswell, Albert, Jr.
Cote, Patricia
Flanders, John, Sr.
Hurst, Sharleene
Katsakiores, George
Lee, Rebecca
Newman, Rick
Rosencrantz, James

Schanda, Joseph, Sr.
St. Martin, Tommy
Woods, Deborah

Senter, Marilyn
Stritch, C. Donald

Skinner, Patricia
Syracusa, Anthony

Splaine, James
Vaughn, Charles

STRAFFORD

Brown, George
Dunlap, Patricia
Keans, Sandra
McGrath, J. Gregory
O'Brien, John
Rogers, Rose Marie
Torr, Ann

Brown, Julie
Gilmore, Gary
Knowles, William
Merrill, Amanda
Pageotte, Donald
Snyder, Clair
Torr, Ralph

Callaghan, Frank
Hambrick, Patricia
Loder, Suzanne
Merritt, Deborah
Pelletier, Arthur
Spear, Barbara
Vincent, Francis

Chagnon, Ronald
Hemon, Roland
McCann, William, Jr.
Nehring, William
Pelletier, Marsha
Sullivan, Henry
Wall, Janet

SULLIVAN

Allison, David
Holl, Ann
Schotanus, Merle

Behrens, Thomas
Kane, Joan
Stamatakis, Carol

Burling, Peter
Lindblade, Eric

Flint, Gordon
Palmer, Lorraine

NAYS 117

BELKNAP

Golden, Paul
Lawton, David

Hauck, William
Rice, Thomas, Jr.

Johnson, Carl
Turner, Robert

Laffam, Robert

CARROLL

Allard, Nanci
Cogswell, Richard
Wiggin, Allen

Beach, Mildred
Foster, Robert
Wiggin, Gordon

Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Mock, Henry

CHESHIRE

Delano, Robert

Metzger, Katherine

Smith, Edwin

Young, David

COOS

Foss, Frederic

Guay, Lawrence

Merrill, Gerald

GRAFTON

Chase, Paul, Jr.
Hill, Richard

Dow, David
Rose, William

Driscoll, William
Trelfa, Richard

Eaton, Stephanie
White, Paul

HILLSBOROUGH

Ahrens, Frederick
Chabot, Robert
Donovan, Francis
Fenton, James
Holt, David
Kurk, Neal
Pepino, Leo
Sallada, Roland
Wright, George

Borsa, Andrew
Daniels, Gary
Drolet, Paul
Greenberg, Gary
Holt, Mark
Leclerc, Charles
Rheault, Lillian
Tate, Joan

Burke, M. Virginia
Desrosiers, William
Dykstra, Leona
Holden, Carol
Hunter, Bruce
McCarty, Winston
Riley, Frances
Weergang, Alida

Cepaitis, Elizabeth
Domaingue, Jacquelyn
Eliades, George
Holley, Sylvia
Jean, Loren
Milligan, Robert
Rothhaus, Finlay
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Kennedy, Richard
Willis, Jack

Buessing, Marjorie
Langer, Ray

Chandler, Earle
Nichols, Avis

Chandler, John
Stapleton, Henry

ROCKINGHAM

Arndt, Janet
Boucher, William
Clark, Vivian
Dube, LeRoy

Battles, Marjorie
Bove, Martin
Cote, Charles
Felch, Charles, Sr.

Beaulieu, Jon
Chester, Sherman
Crossman, Harold, Jr.
Fesh, Robert

Blake, Daniel
Christie, Andrew, Jr.
Dowd, Sandra
Flanders, David

Gorman, Donald
Noyes, Richard
Putnam, Ed, II
Smith, Arthur
Welch, David

Klemm, Arthur, Jr.
Packard, Sherman
Raynowska, Bernard
Sytek, Donna
Williamson, William

Malcolm, Kenneth
Pratt, Katharin
Rubin, George
Sytek, John
Yennaco, Carol

McKinney, Betsy
Pullman, Robert
Simon, Peter
Warburton, Calvin

STRAFFORD

Douglass, Clyde
Torr, Franklin

Hilliard, Dana
Wasson, Richard

Kincaid, William

McKinley, Robert

SULLIVAN

Domini, Irene

Rodeschin, Beverly

and Section 3 was adopted.

The remainder of the Amendment was adopted.

Rep. Joyce Johnson spoke in favor of the amended report.

Rep. Douglas Hall yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the amended Committee report.

YEAS 277**NAYS 85****YEAS 277****BELKNAP**

Bartlett, Gordon
Hawkins, Robert
Salatiello, Thomas

Cain, Thomas
Holbrook, Robert
Smith, Linda

Campbell, Richard, Jr.
Lafam, Robert
Turner, Robert

Hauck, William
Rosen, Ralph
Ziegler, Alice

CARROLL

Beach, Mildred

Lyman, L. Randy

Philbrick, Donald

Saunders, Howard

CHESHIRE

Avery, Stephen
Cole, Stacey
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara
Russell, Ronald

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Pearson, Gertrude
Riley, William
Young, David

Burnham, Daniel
Foster, Katherine
McGuirk, Paul
Perry, David
Robertson, Timothy

Champagne, Richard
Kingsbury, H. Thayer
McNamara, Wanda
Pratt, Irene
Royce, H. Charles

COOS

Bradley, Paula
Mears, Edgar

Coulombe, Henry
Pratt, Leighton

Hawkinson, Marie
Wiswell, James

Mayhew, Josephine

GRAFTON

Adams, Carl
Brown, Channing
Driscoll, William
LaMott, Paul
Teschner, Douglass

Bean, Pamela
Brown, Patricia
Gordon, Edward
McIlwaine, Deborah
Trelfa, Richard

Below, Clifton
Copenhaver, Marion
Guest, Robert
Nordgren, Sharon
Wadsworth, Karen

Brown, Alison
Crory, Elizabeth
Ham, Bonnie
Rose, William
Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
Allen, W. Gordon
Arnold, Thomas, Jr.
Bergeron, Normand
Cepaitis, Elizabeth
Crotty, Edward
Donovan, Francis
Dykstra, Leona
Franks, Suzan
Haettenschwiller, Alphonse

Ahem, Richard
Amidon, Eleanor
Asselin, Robert
Bowers, Dorothy
Clemons, Jane
Daigle, Robert
Durham, Susan
Ferguson, Charles
Gage, Ruth
Hall, Betty

Ahlgren, Madelyn
Andrews, Frederick
Bagley, Amy
Buckley, Raymond
Cote, David
Dodge, Emma
Dwyer, Patricia
Fields, Dennis
Gervais, Glen
Hanselman, Gregory

Ahrens, Frederick
Arnold, Barbara
Bergeron, Lucien
Calawa, Leon, Jr.
Cowenhoven, Garret
Domaingue, Jacquelyn
Dyer, Merton
Foster, Linda
Gosselin, Gerald
Hart, Nick

Holt, David
 Kelley, Dana
 Lachut, Ervin
 Lown, Elizabeth
 McNerney, Daniel
 Mittelman, David
 Murphy, Robert
 Pepino, Leo
 Plourde, Alphonse
 Searles, Stanley, Sr.
 Toomey, Kathryn
 Wheeler, Robert

Barberia, Richard
 Daneault, Gabriel
 French, Barbara
 Hill, Michael
 Johnson, Joyce May
 Newland, Matthew
 Regan, Maurice
 Teague, Bert
 Whalley, Michael

Aranda, M. Kathryn
 Campbell, Marilyn
 Coes, Betsy
 Dowd, Sandra
 Flanagan, Natalie
 Groves, Bonnie
 Johnson, Robert
 Klemarczyk, Thaddeus
 McGovern, Cynthia
 O'Keefe, Patricia
 Schanda, Joseph, Sr.
 St. Martin, Tommy
 Williamson, William

Brown, George
 Dunlap, Patricia
 Hilliard, Dana
 Lundborn, Raymond
 Merritt, Deborah
 Pelletier, Marsha
 Sullivan, Henry
 Vincent, Francis

Behrens, Thomas
 Kane, Joan
 Rodeschin, Beverly

Jasper, Shawn
 Kelley, Robert
 Laughlin, J. Francis
 Lozeau, Donnalee
 Mercer, Robert
 Moore, Elizabeth
 O'Rourke, Joanne
 Perkins, Paul
 Reidy, Frank
 Smith, Leonard
 Turgeon, Roland
 White, John

Carter, Susan
 Dunn, Miriam
 Gilbreth, Robert
 Holmes, Mary
 Kidder, William
 Nichols, Avis
 Rogers, Katherine
 Trombly, Rick
 Whittemore, James

Arndt, Janet
 Caswell, Albert, Jr.
 Conroy, Janet
 Dowling, Patricia
 Flanders, David
 Hemenway, Thomas
 Kane, Cecelia
 Kruse, Fred
 McKinney, Betsy
 Richards, David
 Senter, Marilyn
 Stritch, C. Donald
 Woods, Deborah

Brown, Julie
 Gilmore, Gary
 Keans, Sandra
 McCann, William, Jr.
 O'Brien, John
 Rogers, Rose Marie
 Torr, Ann
 Wall, Janet

Burling, Peter
 Lindblade, Eric
 Schotanus, Merle

Jean, Claudette
 Kirby, Thomas
 Leclerc, Charles
 Martin, Mary Ellen
 Messier, Irene
 Morello, Michael
 Packard, Bonnie
 Peters, Stanley
 Rodgers, G. Philip
 Soucy, Donna
 Upton, Barbara

Chandler, Earle
 Feuerstein, Martin
 Gross, Caroline
 Houlahan, Thomas
 Lockwood, Robert
 Owen, Derek
 Shaw, Randall
 Wallner, Mary Jane
 Yeaton, Charles

Bell, Juanita
 Christie, Andrew, Jr.
 Cote, Patricia
 Drake, Herbert
 Flanders, John, Sr.
 Hurst, Sharleene
 Katsakiores, George
 Lee, Rebecca
 Miller, Don
 Ritzo, Eugene
 Skinner, Patricia
 Syracuse, Anthony

Callaghan, Frank
 Hambrick, Patricia
 Knowles, William
 McGrath, J. Gregory
 Pageotte, Donald
 Snyder, Clair
 Torr, Franklin

Flint, Gordon
 Palmer, Lorraine
 Stamatakis, Carol

Johnson, Lionel
 L'Heureux, Robert
 Lefebvre, Roland
 McCann, Bonnie
 Milligan, Robert
 Morrissette, Roland
 Paquette, Rodolphe
 Philbrook, Paula
 Sargent, Maxwell
 Soucy, Richard
 Vanderlosk, Stanley

Chandler, John
 Fillion, Paul
 Hall, Douglas
 Johnson, C. William
 Moore, Carol
 Pfaff, Terence
 Soldati, Jennifer
 Weeks, John, Jr.

Boucher, William
 Clark, Martha
 Crossman, Harold, Jr.
 Fesh, Robert
 Gage, Beverly
 Johnson, Bill
 Katsakiores, Phyllis
 Lovejoy, Marian
 Newman, Rick
 Rosencrantz, James
 Splaine, James
 Vaughn, Charles

Chagnon, Ronald
 Hemon, Roland
 Loder, Suzanne
 Merrill, Amanda
 Pelletier, Arthur
 Spear, Barbara
 Torr, Ralph

MERRIMACK

ROCKINGHAM

STRAFFORD

SULLIVAN

NAYS 85 BELKNAP

Golden, Paul

Johnson, Carl

Rice, Thomas, Jr.

CARROLL

Allard, Nanci	Bradley, Jeb	Chandler, Gene	Cogswell, Richard
Foster, Robert	Mock, Henry	Wiggin, Ailen	Wiggin, Gordon

CHESHIRE

Delano, Robert	Hunt, John	Smith, Edwin
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COOS

Foss, Frederic	Guay, Lawrence	Merrill, Gerald
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GRAFTON

Chase, Paul, Jr.	Dow, David	Eaton, Stephanie	Hill, Richard
Larson, Nils, Jr.	White, Paul		

HILLSBOROUGH

Borsa, Andrew	Burke, M. Virginia	Chabot, Robert	Daniels, Gary
Desrosiers, William	Drolet, Paul	Eliades, George	Fenton, James
Greenberg, Gary	Healy, Daniel	Holden, Carol	Holley, Sylvia
Holt, Mark	Hunter, Bruce	Jean, Loren	Kurk, Neal
McCarty, Winston	Rheault, Lillian	Riley, Frances	Rothhaus, Finlay
Sallada, Roland	Tate, Joan	Weergang, Alida	Wells, Peter, Sr.
Wright, George			

MERRIMACK

Buessing, Marjorie	Kennedy, Richard	Langer, Ray	Stapleton, Henry
Willis, Jack			

ROCKINGHAM

Battles, Marjorie	Beaulieu, Jon	Blake, Daniel	Bove, Martin
Chester, Sherman	Clark, Vivian	Cote, Charles	Dube, LeRoy
Felch, Charles, Sr.	Gorman, Donald	Klemm, Arthur, Jr.	Malcolm, Kenneth
Noyes, Richard	Packard, Sherman	Pratt, Katharin	Pullman, Robert
Putnam, Ed, II	Raynowska, Bernard	Rubin, George	Simon, Peter
Smith, Arthur	Sytek, Donna	Sytek, John	Warburton, Calvin
Welch, David	Yennaco, Carol		

STRAFFORD

Douglass, Clyde	Kincaid, William	McKinley, Robert	Nehring, William
Wasson, Richard			

SULLIVAN

Domini, Irene

and the report was adopted.

Ordered to third reading.

Rep. Drabinowicz wished to be recorded in favor of the report.

SB 172-FN, making structural changes within the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert L. Wheeler for Appropriations: The Committee felt that an independent review and update of unclassified positions and salary is warranted. Vote 19-2.

Amendment (2771B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certain unclassified positions in the department of corrections
and requiring the legislative budget assistant to review and update
the unclassified positions salary allocation study.

Amend the bill by replacing section 7 with the following:

7 Review and Update of Unclassified Positions Study. The legislative budget assistant shall review and update the unclassified positions salary allocation study completed by the personnel system task force and Peat Marwick pursuant to 1986, 12:2. The legislative budget assistant shall submit a review and update to the house appropriations committee by October 1, 1993. The committee shall recommend legislation for the 1994 legislative session relative to unclassified positions salary allocation.

AMENDED ANALYSIS

This bill:

- I. Establishes joint directors for the division of medical and psychiatric services.
 - II. Changes the unclassified salary group for the director of administration; commissioner, department of corrections; and director of adult services.
 - III. Changes the title and unclassified salary group of the unit director (non-medical) and unit director (medical), secure psychiatric unit to accurately reflect the directors' job duties.
 - IV. Changes the classified position of the superintendent of the lakes region facility to an unclassified position.
 - V. Requires the legislative budget assistant to review and update the unclassified positions salary allocation study.
- Adopted.

Reps. Donna Sytek and Kathleen Ward offered a floor amendment.

Floor Amendment (2887B)

Amend the bill by replacing section 7 with the following:

7 Review and Update of Unclassified Positions Study. The legislative budget assistant shall review and update the unclassified positions salary allocation study completed by the personnel system task force and Peat Marwick pursuant to 1986, 12:2. The legislative budget assistant shall submit a review and update to the house appropriations committee and the house executive departments and administration committee by October 1, 1993. The committees shall recommend legislation for the 1994 legislative session relative to unclassified positions salary allocation.

Reps. Trombly, Kathleen Ward and Donna Sytek spoke in favor.

Adopted.

Report adopted and ordered to third reading.

SB 176-FN-A-L, relative to kindergarten programs in local school districts and requiring an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Jacquelyn M. Domangue for Appropriations: The fiscal impact to the state (\$50,000 in 1994, \$1,050,000 in FY 95, and \$1,550,000 in FY 96 and 97) will not cover all 65 school districts that do not now have a kindergarten program. Additionally, local expenditures (as indicated by the fiscal note) will increase by \$3,512,400 in FY 95, \$7,305,600 in FY 96, and by \$7,598,400 in FY 97. The majority of the committee could not support this expenditure at this time. Vote 13-3.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 233

NAYS 117

**YEAS 233
BELKNAP**

Bartlett, Gordon
Hauck, William
Lawton, David
Smith, Linda

Cain, Thomas
Holbrook, Robert
Rice, Thomas, Jr.
Turner, Robert

Campbell, Richard, Jr.
Johnson, Carl
Rosen, Ralph
Ziegra, Alice

Golden, Paul
Lafam, Robert
Salatiello, Thomas

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Foster, Robert
Saunders, Howard

Bradley, Jeb
Lyman, L. Randy
Wiggin, Allen

Chandler, Gene
Mock, Henry
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Foster, Katherine
Metzger, Katherine
Smith, Edwin

Bonneau, Sarah
Hunt, John
Pearson, Gertrude
Young, David

Cole, Stacey
Lynch, Margaret
Perry, David

Delano, Robert
Manning, Joseph
Royce, H. Charles

COOS

Coulombe, Henry
Merrill, Gerald

Foss, Frederic
Pratt, Leighton

Guay, Lawrence

Hawkinson, Marie

GRAFTON

Adams, Carl
Chase, Paul, Jr.
Hill, Richard
Trefla, Richard

Bean, Pamela
Dow, David
LaMott, Paul
Wadsworth, Karen

Below, Clifton
Driscoll, William
Rose, William
Ward, Kathleen

Brown, Alson
Eaton, Stephanie
Teschner, Douglass
White, Paul

HILLSBOROUGH

Ackerman, Philip
Andrews, Frederick
Borsa, Andrew
Chabot, Robert
Daniels, Gary
Donovan, Francis
Eliades, George
Hall, Betty
Holt, David
Jean, Loren
L'Heureux, Robert
Lozeau, Donnalee
McNerney, Daniel
Morello, Michael
Pepino, Leo
Rodgers, G. Philip
Searles, Stanley, Sr.
Turgeon, Roland
Wells, Peter, Sr.

Ahlgren, Madelyn
Arnold, Barbara
Bowers, Dorothy
Cowenhoven, Garret
Desrosiers, William
Drabinowicz, A. Theresa
Ferguson, Charles
Hanselman, Gregory
Holt, Mark
Kelley, Dana
Laughlin, J. Francis
Martin, Mary Ellen
Mercer, Robert
Murphy, Robert
Peters, Stanley
Rothhaus, Finlay
Smith, Leonard
Upton, Barbara
Wheeler, Robert

Ahrens, Frederick
Arnold, Thomas, Jr.
Burke, M. Virginia
Crotty, Edward
Dodge, Emma
Drolet, Paul
Gosselin, Gerald
Holden, Carol
Hunter, Bruce
Kelley, Robert
Lefebvre, Roland
McCann, Bonnie
Milligan, Robert
Packard, Bonnie
Plourde, Alphonse
Sallada, Roland
Soucy, Richard
Vanderlosk, Stanley

Allen, W. Gordon
Bergeron, Normand
Calawa, Leon, Jr.
Daigle, Robert
Domaingue, Jacquelyn
Dykstra, Leona
Greenberg, Gary
Holley, Sylvia
Jasper, Shawn
Kurk, Neal
Lown, Elizabeth
McCarty, Winston
Mittelman, David
Paquette, Rodolphe
Rheault, Lillian
Sargent, Maxwell
Tate, Joan
Weergang, Alida

MERRIMACK

Barberia, Richard
Hall, Douglas
Johnson, C. William
Lockwood, Robert
Shaw, Randall

Buessing, Marjorie
Hill, Michael
Kennedy, Richard
Nichols, Avis
Stapleton, Henry

Chandler, Earle
Holmes, Mary
Kidder, William
Pfaff, Terence
Whalley, Michael

Feuerstein, Martin
Houlahan, Thomas
Langer, Ray
Regan, Maurice
Willis, Jack

ROCKINGHAM

Aranda, M. Kathryn
Blake, Daniel
Christie, Andrew, Jr.
Cote, Patricia
Drake, Herbert
Flanagan, Natalie
Hemenway, Thomas
Katsakiores, Phyllis
Lee, Rebecca
Miller, Don
Pullman, Robert
Ritzo, Eugene

Arndt, Janet
Boucher, William
Clark, Vivian
Crossman, Harold, Jr.
Dube, LeRoy
Flanders, David
Johnson, Bill
Klemarczyk, Thaddeus
Lovejoy, Marian
Noyes, Richard
Putnam, Ed, II
Rosencrantz, James

Battles, Marjorie
Bove, Martin
Conroy, Janet
Dowd, Sandra
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Robert
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Raynowska, Bernard
Rubin, George

Beaulieu, Jon
Chester, Sherman
Cote, Charles
Dowling, Patricia
Fesh, Robert
Gorman, Donald
Katsakiores, George
Kruse, Fred
McKinney, Betsy
Pratt, Katharin
Richards, David
Schanda, Joseph, Sr.

Senter, Merilyn
Sytek, Donna
Williamson, William

Simon, Peter
Sytek, John
Woods, Deborah

Smith, Arthur
Warburton, Calvin

Stritch, C. Donald
Welch, David

STRAFFORD

Brown, George
Hemon, Roland
Spears, Barbara
Wall, Janet

Callaghan, Frank
Knowles, William
Torr, Ann
Wasson, Richard

Chagnon, Ronald
McKinley, Robert
Torr, Ralph

Douglass, Clyde
Nehring, William
Vincent, Francis

SULLIVAN

Behrens, Thomas

Domini, Irene

Lindblade, Eric

Rodeschin, Beverly

NAYS 117 BELKNAP

Hawkins, Robert

CARROLL

None

CHESHIRE

Burnham, Daniel
McNamara, Wanda
Robertson, Timothy

DePecol, Benjamin
Pratt, Irene
Russell, Ronald

Kingsbury, H. Thayer
Richardson, Barbara

McGuirk, Paul
Riley, William

COOS

Bradley, Paula

Mayhew, Josephine

Mears, Edgar

Wiswell, James

GRAFTON

Brown, Patricia
Guest, Robert
Nordgren, Sharon

Copenhaver, Marion
Ham, Bonnie

Croy, Elizabeth
Larson, Nils, Jr.

Gordon, Edward
McIlwaine, Deborah

HILLSBOROUGH

Ahern, Richard
Bergeron, Lucien
Cote, David
Foster, Linda
Haettenschwiller, Alphonse
Kirby, Thomas
Morrissette, Roland
Reidy, Frank

Amidon, Eleanor
Buckley, Raymond
Durham, Susan
Franks, Suzan
Hart, Nick
Lachut, Ervin
O'Rourke, Joanne
Soucy, Donna

Asselin, Robert
Cepaitis, Elizabeth
Dwyer, Patricia
Gage, Ruth
Jean, Claudette
Messier, Irene
Perkins, Paul
Toomey, Kathryn

Bagley, Amy
Clemons, Jane
Fields, Dennis
Gervais, Glen
Johnson, Lionel
Moore, Elizabeth
Philbrook, Paula
White, John

MERRIMACK

Carter, Susan
Fillion, Paul
Newland, Matthew
Teague, Bert
Yeaton, Charles

Chandler, John
French, Barbara
Owen, Derek
Trombly, Rick

Daneault, Gabriel
Johnson, Joyce May
Rogers, Katherine
Wallner, Mary Jane

Dunn, Miriam
Moore, Carol
Soldati, Jennifer
Weeks, John, Jr.

ROCKINGHAM

Bell, Juanita
Coes, Betsy
McGovern, Cynthia
Splaine, James
Yennaco, Carol

Campbell, Marilyn
Groves, Bonnie
Newman, Rick
St. Martin, Tommy

Caswell, Albert, Jr.
Hurst, Sharleene
O'Keefe, Patricia
Syracusa, Anthony

Clark, Martha
Kane, Cecelia
Skinner, Patricia
Vaughn, Charles

STRAFFORD

Brown, Julie
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Pelletier, Marsha

Dunlap, Patricia
Keans, Sandra
McCann, William, Jr.
O'Brien, John
Rogers, Rose Marie

Gilmore, Gary
Kincaid, William
McGrath, J. Gregory
Pageotte, Donald
Snyder, Clair

Hambrick, Patricia
Loder, Suzanne
Merrill, Amanda
Pelletier, Arthur
Sullivan, Henry

SULLIVAN

Burling, Peter
Palmer, Lorraine

Flint, Gordon
Schotanus, Merle

Holl, Ann
Stamatakis, Carol

Kane, Joan

and the report was adopted.

SB 197-FN, implementing Title V of the Clean Air Act. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Appropriations: The amendment ensures that New Hampshire businesses will not be at a competitive disadvantage in interstate commerce as the state implements the federal Clean Air Act. The amendment prevents the Department of Environmental Services from promulgating rules that are more restrictive than minimum federal requirements. The bill as amended has no fiscal impact on the general fund; required costs will be covered by fees. However, both county and local expenditures will increase by a total of \$19,849 in FY 94 and \$32,245 in FY 95 as a result of these federal mandates. Vote 18-2.

Amendment (2803B)

Amend section 1 of the bill by replacing it with the following:

1 Statement of Purpose. The purpose of this act is to amend RSA 125-C to incorporate, but not to exceed, the requirements of Title V of the Clean Air Act Amendments of 1990, Public Law 101-549, November 15, 1990. It is the legislature's intent that the department of environmental services minimize adverse economic impacts in implementing the provisions of this act concerning Title V of the Clean Air Act Amendments of 1990.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-15 to read as 5-16 respectively.

4 New Paragraph; Rulemaking Authority Limited. Amend RSA 125-C:4 by inserting after paragraph II the following new paragraph:

III. Rules adopted pursuant to this section to implement Title V of the Clean Air Act, 42 U.S.C. 7401 et seq., as amended, shall not impose requirements more stringent than the minimum federal requirements of such act.

Adopted.

Report adopted and ordered to third reading.

SB 209-FN-A, relative to the children's health plan and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Douglas E. Hall for Appropriations: The committee amendment is a compromise between the policy position of the Health and Human Services Committee and that contained in the Governor's original budget proposal. Eligibility for Medicaid for children ages 1-10 will be increased to 150% of poverty on January 1, 1994. Pregnant women and infants in families with incomes between 150% and 185% will become eligible on the same date. The additional appropriation of \$950,000 is offset by a reduction in appropriations in HB 1-A as passed by the House. The reduction was originally suggested by the Department of Health and Human Services. Vote 19-2.

Amendment (2805B)

Amend RSA 167:68 as inserted by section 1 of the bill by replacing it with the following:

167:68 Medicaid Enhancement for Children and Pregnant Women. The director of the division of human services shall adopt rules under RSA 541-A which:

I. Establish by January 1, 1994, categorically needy coverage groups under RSA 167:6, VII and title XIX of the Social Security Act, section 1902(a)(10)(A)(i)(IV) and establishing less restrictive income and resource methodologies under section 1902(r)(2) of Title XIX of the Social Security Act as necessary to provide medical assistance coverage to all individuals whose family income does not exceed 185 percent of the federal poverty level disregarding resources for a family size equal to the size of the family including the woman, infant or child. This includes:

(a) Women during pregnancy and during the 60-day period beginning on the last day of the pregnancy; and

(b) Infants under one year of age.

II. Establish by January 1, 1994, categorically needy coverage groups under RSA 167:6, VII and Title XIX of the Social Security Act, sections 1902(a)(10)(A)(i)(VI) and 1902(a)(10)(A)(i)(VII) and establishing less restrictive income and resource methodologies under section 1902(r)(2) of Title XIX of the Social Security Act as necessary to provide medical assistance coverage to all individuals whose family income does not exceed 150 percent of the poverty level. This includes:

(a) Children who have attained one year of age but have not attained 6 years of age; and

(b) Children born after September 30, 1983, who have attained 6 years of age but have not attained 19 years of age.

III. Establish by January 1, 1994, procedures in the medical assistance program for improved outreach and enrollment for pregnant women and children. Such procedures shall include:

(a) Implementing shortened, simplified medicaid-only application forms for the individuals covered under paragraphs I and II.

(b) Providing for the receipt and initial processing of medicaid applications from individuals covered under paragraphs I and II at locations which are other than those used for the receipt and processing of applications for aid to families with dependent children and which include providers of Title V Maternal and Child Health Services, Title X Family Planning Services, the Special Supplemental Food Program for Women, Infants and Children and Early Intervention program sites, as well as those required under 42 U.S.C. 1396 a(a)(55). Individuals submitting applications at sites, other than the division of human services district offices, shall not be required to subsequently visit the division of human services district office to complete the initial eligibility determination process.

(c) Instituting a formal procedure for taking maternity-related medical assistance applications at the offices of "qualified providers" including the providers listed in RSA 167:68, III(b) and for making medicaid services available to a pregnant woman during a "presumptive eligibility period" as provided in 42 U.S.C. 1396r-1. Presumptive eligibility shall be made available to pregnant women applying at division of human services district offices as well as to pregnant women applying at non-district office sites.

(d) Instituting an aggressive public education campaign regarding the availability of medicaid coverage for maternal and child health services, the existence of other publicly-funded health programs serving mothers and children, and the advantages of preventive health care.

(e) Instituting a newborn home visiting program whereby a licensed health professional makes a home visit to targeted households with medicaid covered newborns within 60 days after birth to encourage families to participate in the Early and Periodic, Screening, Diagnosis and Treatment Program, to conduct a health screen, to better link the family with primary health care, and to better ensure continued medicaid coverage for the infant.

IV. Establish by January 1, 1994, procedures for improved coordination of the medicaid program for pregnant women and children with other publicly-funded health programs serving mothers and children, including Title V Maternal and Child Health, Title X Family Planning, and the Special Supplemental Food Program for Women, Infants and Children, and the Early Intervention Program. Such procedures shall include, to the extent permissible by federal law:

(a) A common application form;

(b) Medicaid eligibility technicians located at agencies providing these publicly-funded health care services; and

(c) The continuation and completion of rulemaking and other measures designed to make medicaid reimbursement available to these publicly funded health programs for medically necessary care management and care coordination services provided by these agencies to medicaid eligible pregnant women and children.

Amend the bill by replacing all after section 2 with the following:

3 Appropriation. The sum of \$223,858 for the fiscal year ending June 30, 1994, and the sum of \$732,720 for the fiscal year ending June 30, 1995, are hereby appropriated to the division of human services for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Funding. The provisions of RSA 167:68, III-IV shall be funded through appropriations made to the division of human services which may be used for the purposes of this act. If such appropriations are inadequate to fund the provisions of RSA 167:68, III-IV, then the administrative fund established in RSA 167:64, I(c) shall be utilized.

5 Appropriation Reduction in HB 1-A. Amend PAU 05, 01, 01, 02, 06, class 92, to read as follows:

	<i>Fiscal Year 1994</i>	<i>Fiscal Year 1995</i>
Strike Out		
92 Hosp Uncompensated Care Pool	\$ 84,623,368	\$ 90,553,380
Insert in Place Thereof		
92 Hosp Uncompensated Care Pool	83,700,204	89,565,526
Strike Out		
Federal Funds	130,626,070	137,720,451
Insert in Place Thereof		
Federal Funds	130,164,488	137,226,524
Strike Out		
General Fund	133,105,486	140,334,526
Insert in Place Thereof		
General Fund	132,643,904	139,840,599

6 Contingency. If HB 1-A, an act making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994, and June 30, 1995, becomes law, section 5 of this act shall take effect July 1, 1993, at 12:01 a.m. If HB 1-A does not become law, section 5 of this act shall not take effect.

7 Effective Date.

I. Section 5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

SB 231-FN-A-L, relative to lead poisoning and control and continually appropriating a fund to the director of public health services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles W. Ferguson for Appropriations: The amendment clarifies the sponsors' intention to require a finding of lead exposure hazard before liability ensues, and authorizes the Division to review and validate inspection and compliance certification. Vote 15-3.

Rep. Rothhaus moved that the words Re-refer to Committee be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Reps. Cepaitis, Ferguson and Robert Foster spoke against.

Rep. Borsa spoke in favor and yielded to questions.

Rep. Gorman spoke in favor.

Rep. Lozeau spoke against and yielded to questions.

On a division vote, 96 having voted in the affirmative and 262 in the negative, the motion failed.

Amendment (2785B)

Amend RSA 130-A:8 as inserted by section 2 of the bill by replacing it with the following:

130-A:8 Occupants 6 Years of Age or Less. No person shall knowingly rent a dwelling or dwelling unit which has been found by the director or a health authority to have a lead exposure hazard present, when such dwelling or dwelling unit is to be occupied by a child.

Amend RSA 130-A:10, III as inserted by section 2 of the bill by replacing it with the following:

III. The conduct of inspections and inspection standards for lead inspectors, including procedures for issuing certificates of inspection, certifications of compliance, and certifications when a dwelling or dwelling unit is found to be lead free and for the review and validation of such certificates or certifications by the division for any person who so requests.

Adopted.

Report adopted and ordered to third reading.

Rep. Allison wished to be recorded in favor of the report.

SB 133, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra K. Dowd for Executive Departments and Administration: This bill as amended provides the board of chiropractic examiners with investigative and subpoena powers. The Committee concurs with the policy committee (Health, Human Services and Elderly Affairs) that the chiropractic board has worked out its problems and should be removed from under the director of public health. Vote 15-2.

Amendment (2752B)

Amend the bill by replacing section 3 with the following:

3 Twelve-month Time-frame for Hearing Inserted. Amend RSA 316-A:23 to read as follows:

316-A:23 Notice and Hearing Procedure. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within [3] 12 months of the date notice of a complaint was received by the accused, unless otherwise [agreed to by the parties] *reviewed and approved by the department of justice*. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

Amend RSA 316-A:23-a, I as inserted by section 4 of the bill by replacing it with the following:

I. The board shall have the authority to investigate applicants, misconduct allegations and possible violations of this chapter. The board may subpoena witnesses, administer oaths and subpoena the production of documents in any investigation or hearing held pursuant to this chapter, provided that any subpoena issued by the board shall be signed by a representative of the department of justice.

Amend the bill by replacing all after section 4 with the following:

5 Approval of Director. Amend the introductory paragraph of RSA 316-A:3 to read as follows:

316-A:3 Rulemaking Authority and Practices. The board, *with the approval of the director of public health services*, shall adopt rules, pursuant to RSA 541-A, relative to:

6 New Section; Powers and Duties of Director of Public Health Services. Amend RSA 316-A by inserting after section 4 the following new section:

316-A:4-a Powers and Duties of Director. The director of the division of public health services, department of health and human services, shall:

I. Monitor the rulemaking activity of the board under RSA 316-A:3 to ensure that all rules adopted are:

(a) Consistent with the provisions of RSA 541-A;

(b) Consistent with the specific statutory authority under which they are adopted;

(c) Consistent with other statutes; and

(d) Consistent with rules adopted by the division of public health services or any other board, commission, or agency.

II. If the director determines that a rule proposed for adoption is not consistent with the criteria established in paragraph I of this section, he shall notify the board in writing. If the board does not take corrective action, he shall notify in writing the joint committee on administrative rules, the senate executive departments committee, and the house executive departments and administration committee for further corrective oversight action.

7 Repeal. The following are repealed:

I. RSA 316-A:4, relative to the powers and duties of the director of public health services.

II. RSA 316-A:22, III (e), relative to civil penalties.

III. RSA 316-A:23-a, relative to investigations, subpoenas, and oaths.

8 Effective Date.

I. Sections 1-4 and paragraph I of section 7 shall take effect January 1, 1994.

II. Sections 5 and 6 and paragraphs II and III of section 7 shall take effect January 1, 1999.

AMENDED ANALYSIS

This bill provides the board of chiropractic examiners with investigative and subpoena powers, and authorizes the board to impose civil penalties. It allows the board to make rules without the approval of the director of public health services, inserts a 12-month time-frame to conduct a hearing, and repeals the section on the powers and duties of the director of public health services relative to rulemaking by the board.

It also provides for the rulemaking, investigative and subpoena provisions to revert back to the current status on January 1, 1999.

Adopted.

Report adopted and ordered to third reading.

SB 109, relative to automobile liability insurance and tort liability for certain motor vehicle operations. **OUGHT TO PASS WITH AMENDMENT**

Rep. David O. Dow for Labor, Industrial and Rehabilitative Services: This amendment would enact as statutory law the narrow limitation on public safety officers' tort claims developed by the New Hampshire Supreme Court in the *England*, *Migdal*, *Akerley* and *Gould* decisions. Under this rule, a public safety officer is prevented from making a tort claim only with respect to "negligent conduct that created the very occasion for the officer's official engagement." Examples are: (1) a homeowner's negligent conduct in causing a fire that brought a firefighter to the scene, where the firefighter was injured; (2) a motorist's negligent conduct in causing an accident that brought a police officer to the scene, where the police officer was injured; (3) a hiker's or hunter's negligent conduct in getting lost or injured, that generated search and rescue activities by a Fish and Game officer, in which the officer was injured. However, this rule does not prevent officers' tort claims for other kinds of negligent conduct. Examples are: (1) a homeowner's negligence in failing to reasonably repair or warn of hazards on the premises that could injure any ordinary visitor, but did not bring the firefighter to the scene; (2) a motorist's negligent driving resulting in collision with a fire truck or police cruiser, injuring an officer; (3) a motorist's negligent driving while passing by an accident scene at which an officer is directing traffic, injuring the officer. Also, the rule does not prevent officers' tort claims for reckless, wanton or willful acts of misconduct. Examples are: (1) A person shoots a firearm toward a police station. The bullet passes through a window, striking and injuring an officer; (2) A person sets fire to a structure hoping to recover insurance proceeds or as malicious mischief. A firefighter is injured trying to put out the fire; (3) A person shoots at or tries to run over an officer, attempting to avoid apprehension; (4) A boater tries to flee at high speed from a pursuing marine patrol officer, loses control and collides with the patrol boat, injuring the officer. Vote 11-0.

Amendment (2726B)

Amend the title of the bill by replacing it with the following:

AN ACT

codifying the "fireman's rule."

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; "Fireman's Rule" Codified. Amend RSA 507 by inserting after section 8-g the following new section:

507:8-h Fireman's Rule.

I. Firefighters, emergency medical technicians (E.M.T.'s), police officers and other public safety officers shall have no cause of action for injuries arising from negligent conduct which created the particular occasion for the officer's official engagement. However, this section does not affect such officer's causes of action for other negligent conduct or for reckless, wanton or willful acts of misconduct.

II. In this section, "public safety officer" means a person who is exposed to injury while acting in an official capacity in law enforcement or protection of life or property.

2 Effective Date. This act shall take effect January 1, 1994.

AMENDED ANALYSIS

This bill enacts as statutory law the narrow limitation on public safety officers' tort claims developed by the New Hampshire supreme court.

Adopted.

Report adopted and ordered to third reading.

SB 73-FN-A, making an appropriation to promote international tourism. OUGHT TO PASS

Rep. Margaret A. Lynch for Appropriations: The sum of \$1.00 is appropriated for the fiscal year ending June 30, 1994 to the Department of Resources and Economic Development for the purposes of international tourism promotion. Vote 17-0.

Rep. Schotanus yielded to questions.

Adopted and ordered to third reading.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, May 25, 1993 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 147, requiring the legislative budget assistant to study the state restricted and dedicated funds.

SB 178-FN, allowing the state to acquire rail properties for other transportation purposes, including recreational trails and making an appropriation therefor.

SB 196, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefore.

SB 52, relative to workers' compensation liability insurance and return of insurance premiums.

SB 223-FN, allowing appeals of permanent impairment awards to the compensation appeals board.

SB 240, relative to the workers' compensation appeals board.

SB 94, relative to workforce development, making an appropriation to the department of post-secondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition.

SB 151-FN-A-L, requiring an animal population fee in addition to licensure fees for certain dogs and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund.

SB 156, relative to the Portsmouth Naval Shipyard and making an appropriation therefor.

SB 158, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund, creating a bi-state commission for economic security and allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security

SB 159, relative to technological development, relative to inventor assistance and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport.

SB 169-FN-A, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor.

SB 170-FN-A-L, relative to the distribution of meals and rooms tax revenue.

SB 172-FN, making structural changes within the department of corrections.

SB 197-FN, implementing Title V of the Clean Air Act.

SB 209-FN-A, relative to the children's health plan and making an appropriation therefor.

SB 231-FN-A-L, relative to lead poisoning and control and continually appropriating a fund to the director of public health services.

SB 133, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners.

SB 109, relative to automobile liability insurance and tort liability for certain motor vehicle operations.

SB 73-FN-A, making an appropriation to promote international tourism.

Rep. Gross moved that the House stand in recess for the purpose of receiving Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 4:55 p.m.

RECESS

(Rep. Laughlin in the Chair)

ENROLLED BILLS REPORT

HB 108, permitting counties to establish special equipment accounts for registers of deeds.

HB 138, repealing statutory provisions relative to a guide's license to take bear.

HB 233, relative to the equipment challenge grant program.

HB 476, establishing the crime of stalking and authorizing the state to enforce domestic violence protective orders issued in other states.

HB 572, authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund, and appointing special deputy forest rangers.

SB 93, relative to the National Science Foundation's statewide systemic initiatives program and making an appropriation therefor.

SB 173, creating a correctional industries advisory board.

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 28

Tuesday, May 25, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by Democratic Leader, Rep. Trombly.

His Excellency Governor Stephen Merrill joined the Democratic Leader on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, extravagant God, Whose justice gushes forth like a mountain stream and Whose mercy welcomes all people without distinction, bring Your peace, we pray, into the temple of this present moment and give us the courage we need to think new thoughts and to risk new ways of seeing and serving that we may show forth through word and deed the gentleness of Your ways. Amen.

Rep. Woods led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Record, Simon, Williamson, Nehring, Mason and Eaton, the day, illness.

Reps. Cepaitis, Loder, Stamatakis, Crum, Below, Golden, Joyce Johnson, Thomas Cain, David Young, David Flanders, Rubin, Mayhew, Blake, Teague, Lozeau, Stone, Terninko, Holden, Senter, Dunn, Laflam, Lefebvre, Lindblade, Gilbreth, Holmes, Ralph Torr and Cogswell, the day, important business.

Rep. Dewhirst, the day, illness in the family.

INTRODUCTION OF GUESTS

Stacy Wells and Kim Weber, daughter and guest of Rep. Wells. Alva Eldridge, guest of Rep. Lovejoy. Bob Davidson, guest of Rep. Splaine.

GUEST ON THE ROSTRUM

Gretchen Durgin of Lancaster, Miss New Hampshire Teen, guest of the House.

EMPLOYEE OF THE MONTH

Cliff Brizer has been a state employee for more than 12 years. He started work in January 1981 as a groundsman and transferred to the legislative branch in 1987 as a building maintenance worker. He is responsible for general maintenance at the Legislative Office Building, as well as setting up rooms for meetings and hearings. He works hard to accommodate the many people who use the Legislative Office Building, sometimes on very short notice, and helps to keep the Legislature functioning smoothly.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 25, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE RESOLUTION**First, second reading and referral**

HR 25, urging Congress to support the 1986 Land and Resource Management Plan for the White Mountain National Forest. (Peyron, Sull/4; Teschner, Graf/5, to Economic Development)

ENROLLED BILLS AMENDMENTS

HB 244, relative to parking violation enforcement.

Amendment (2809B)

Amend RSA 41:11 as inserted by section 2 of the bill by replacing lines 1-3 with the following:

41:11 Regulation of Use of Highways, etc. Unless regulated by the commissioner of [public works and highways] *the department of transportation* as provided in RSA [249:5] 236:1, the selectmen may regulate the use of all public

Adopted.

HB 500, relative to the obligations of lessees of publicly owned property for the payment of property taxes.

Amendment (2751B)

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 Lease To Clearly State Property Tax Obligations of Lessee. Amend the first paragraph of RSA 72:23, I to read as follows:

Adopted.

HB 521, relative to maternity benefits

Amendment (2750B)

Amend section 7 of the bill by replacing line 4 with the following:

VI-a. A maternity benefits rider for covered persons who request it,
Adopted.

HB 671-FN, increasing the term of a resident's license to carry loaded pistols and revolvers.

Amendment (2770B)

Amend the bill by replacing sections 1 and 2 with the following:

1 License to Carry Pistols and Revolvers; Term Extended. Amend RSA 159:6 to read as follows:

159:6 License to Carry. The selectmen of a town or the mayor or chief of police of a city or some full-time police officer designated by them respectively, upon application of any resident of said town or city, or the director of state police, or some person designated by him, upon application of a nonresident, shall issue a license to such applicant authorizing him to carry a loaded pistol or revolver in this state for not more than [2] ~~4~~ years from the date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any proper purpose, and that he is a suitable person to be licensed. Hunting or target shooting shall be considered a proper purpose. The license shall be in duplicate and shall bear the name, address, description and signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for [2] ~~4~~ years. The license shall be issued within 14 days after application therefor, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy thereof kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be [~~\$4~~] **\$10**, which fee shall be for the use of the law enforcement department of the town granting said licenses; the fee for licenses granted to out-of-state residents shall be [~~\$10~~] **\$20**, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue said licenses. No other forms shall be used by officials of cities and towns. The cost of said forms shall be paid out of the fees received from nonresident licenses.

2 Effective Date. This act shall take effect January 1, 1994, at 12:01 a.m.

Adopted.

ENROLLED BILLS REPORT

HB 284, regarding notice for condominium association meetings and relative to voting by condominium owners.

HB 303, changing the manner in which a person accepts nomination for office by write-in vote.

HB 556, offering a reward for the apprehension of former Newport district court judge, John C. Fairbanks, and making an appropriation therefor.

SB 22, relative to foreclosure notification waiver.

SB 73, making an appropriation to promote international tourism.

SB 102, establishing a committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on the state and to study certain incentives and propose a state policy regarding the use of alternative transportation fuel vehicles.

SB 111, relative to penalties for issuing bad checks.

SB 148, making appropriations nonlapsing for regional vocational education tuition and transportation, and allowing the Kearsarge regional school district to hold its 1994 and 1995 annual meetings in such places as the officers deem appropriate.

SB 167, requiring representatives of the New Hampshire Lodging and Restaurant Association, recycling organizations and New Hampshire waste management and hauling industries to formulate recycling strategies and goals.

SB 213, relative to advance reservations on rooms.

Rep. Carter, Sen. Currier for the Committee

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 358, allowing the creation of or participation in professional corporations by physician assistants. (Amendment printed SJ 18, 5/18/93)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mercer, Ahrens, Yennaco and Syracuse.

HB 672-FN-L, establishing a health kids corporation and making an appropriation therefor and continually appropriating a special fund. (Amendment printed SJ 18, 5/18/93)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mercer, Wells, Douglas Hall and Loder.

HB 448, to define total expenditures made during a state primary campaign. (Amendment printed SJ 18, 5/18/93)

Rep. Flanagan moved that the House nonconcur.

Rep. Gilmore spoke against and yielded to questions

Rep. Warburton spoke against.

Rep. Gross spoke in favor and yielded to questions.

Adopted.

HB 173-FN, making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent police" to include "state corrections officers" for the purposes of the retirement system and relative to the payment of medical benefits to certain group II retirement system members. (Amendment printed SJ 18, 5/18/93)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Donna Sytek, C. William Johnson, Robert Wheeler and Knowles.

HB 673-FN, relative to accounting requirements for moneys received by the state treasurer. (Amendment printed SJ 17, 5/11/93)

Rep. Kathleen Ward moved that the House nonconcur.

Adopted.

HB 292, relative to home care clients' bill of rights. (Amendment printed SJ 18, 5/18/93)

Rep. Robert Foster moved that the House concur.

Adopted.

HB 427-FN, relative to the cost of living increases in the AFDC payment standard. (Amendment printed SJ 18, 5/18/93)

Rep. Robert Foster moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dowling, Ferguson, Ziegara and Wallner

HB 606-FN, authorizing employers subject to the workers' compensation law to establish managed care programs. (Amendment printed SJ 18, 5/18/93)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference and yielded to questions.

On a division vote, 209 members having voted in the affirmative and 127 in the negative, the motion was adopted.

The Speaker appointed Reps. Hawkins, Turner, Daniels and Drabinowicz.

HB 633, repealing inactive study committees and extending the reporting date for certain study committees. (Amendment printed SJ 18, 5/18/93)

Rep. Horton moved that the House concur.

Adopted.

HB 615-FN-L, recodifying the municipal budget law. (Amendment printed SJ 18, 5/18/93)

Rep. Wadsworth moved that the House concur.

Adopted.

HB 147-FN-A, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor. (Amendment printed SJ 18, 5/18/93)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Calawa, Cloutier and LaMott.

HB 559, allowing a customer to terminate service from a water utility. (Amendment printed SJ 18, 5/18/93)

Rep. Dickinson moved that the House concur.

Adopted.

HB 390, to limit the terms of office for the members of the United States Congress from New Hampshire. (Amendment printed SJ 18, 5/18/93)

Rep. Beverly Gage moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Beverly Gage, Thomas Cain, Jasper and Katherine Foster.

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers. (Amendment printed SJ 5/18/93)

Rep. George Katsakiores moved that the House Concur.

Adopted.

HB 232, permitting the checking of traps at night subject to certain restrictions. (Amendment printed SJ 17, 5/11/93)

Rep. Drake moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Douglass, Felch, Linda Ann Smith and Coulombe.

HB 575-FN, limiting dog training and authorizing the executive director of fish and game to issue permits for the use of bear dogs to control agricultural and property damage. (Amendment printed SJ 18, 5/18/93)

Rep. Drake moved that the House concur.

Adopted.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 6, permitting the bank commissioner to examine and report on certain non-bank lenders.

The President appointed Sens. Fraser, Disnard and Barnes.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Mercer, G. Philip Rodgers and Syracuse.

SB 7, changing the bonding requirement for mortgage brokers.

The President appointed Sens. Fraser, Disnard and Lamirande.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Lindblade, Hunt, Beverly Gage and Fuller Clark.

SB 26, relative to contracts between public adjusters and insureds.

The President appointed Sens. Podles, Fraser and Cohen.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Beverly Gage, Lindblade, Wells and Fuller Clark.

SB 65, requiring health care providers to disclose an ownership interest in any entity to which they refer patients.

The President appointed Sens. John King, Colantuono and McLane.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Mercer, Yennaco and Newland.

SB 191-FN, relative to the New Hampshire real estate practice act.

The President appointed Sens. Currier, Lovejoy and John King.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Hunt, Richard Hill, Beaulieu and Loder.

SB 141-FN-A, removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor.

The President appointed Sens. J. King, Fraser and Baldizar.

Rep. Donna Sytek moved that the House accede.

Adopted.

The Speaker appointed Reps. Donna Sytek, Vivian Clark, Franklin Torr and Hambrick.

SB 87, relative to capital access and the business finance authority and capital formation; and relative to ambulatory care clinics.

The President appointed Sens. Wayne King, Fraser and Shaheen.

Rep. Peyron moved that the House accede.

Adopted.

The Speaker appointed Reps. Klemm, Bill Johnson, Beach and Burling.

SB 95, defining the authority of the state board of education and the department of education.

The President appointed Sens. Disnard, Hollingworth and McLane.

Rep. Skinner moved that the House accede.

Adopted.

The Speaker appointed Reps. Skinner, Larson, Carter and Guest.

SB 220-FN-L, relative to criminal history checks for school personnel and applicants.

The President appointed Sens. Podles, John King and Colantuono.

Rep. Skinner moved that the House accede.

Adopted.

The Speaker appointed Reps. Searles, Patricia Brown, Franks and John White.

SB 200-FN-L, relative to the payment of medical benefits to certain group II retirement system members.

The President appointed Sens. Delahunty, Blaisdell and Shaheen.

Rep. Kathleen Ward moved that the House refuse to accede.

Adopted.

SB 182-FN-L, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder.

The President appointed Sens. Currier, Fraser and John King.

Rep. Wadsworth moved that the House accede.

Adopted.

The Speaker appointed Reps. Wadsworth, Rice, Cepaitis and Gervais.

SB 239-FN-L, relative to the public utilities commission.

The President appointed Sens. Currier, J. King and Bourque.

Rep. Rodeschin moved that the House accede.

Adopted.

The Speaker appointed Reps. Rodeschin, McRae, Foss and Below.

SENATE RECONSIDERATION

The Senate reconsidered its action whereby it passed **HB 613**, requiring the director of the division of human services to adopt rules changing how earned income is calculated for people who receive aid to the permanently and totally disabled to be consistent with federal law, and **HB 614**, changing the definition of disability for the purpose of receiving public assistance.

NONCONCURRENCE

HB 61-FN-A, relative to the rate of the real estate transfer tax.

HB 62-FN-A, relative to the meals and rooms tax for the period beginning July 1, 1993, through June 30, 1995.

HB 205, relative to statewide education improvement and assessment program.

HB 518, relative to automobile insurance premium rates.

HB 613, requiring the director of the division of human services to adopt rules changing how earned income is calculated for people who receive aid to the permanently and totally disabled to be consistent with federal law.

HB 614, changing the definition of disability for the purpose of receiving public assistance.

HB 662, relative to adjustments to gross business profits under the business profits tax.

CONFEREE CHANGE

SB 87, relative to capital investment, venture capital, capital access and the business finance authority and capital formation; and relative to ambulatory care clinics. Rep. Kurk replaced Rep. Beach.

RESOLUTION

Rep. Buckley offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 27, 1993 at 1:30 p.m.

Adopted.

(Speaker Burns in the Chair)

UNANIMOUS CONSENT

Rep. Trombly addressed the House.

Rep. Gross moved that the House stand in recess for the purpose of receiving Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 2:55 p.m.

RECESS

(Speaker Burns in the Chair)

SENATE MESSAGES**CONCURRENCE**

HB 52-FN-A, relative to certain hospitals exempt from the meals and rooms tax.

HB 126-FN, requiring the commissioner of transportation to establish an adopt-a-highway program.

HB 184, establishing a study committee to oversee the design and planning of a new Plymouth district courthouse.

HB 214-FN-A, relative to results of toxicology tests and the salary of the forensic toxicologist and making an appropriation therefor.

HB 245-FN, permitting the state treasurer to appoint 2 assistant state treasurers.

HB 262-FN, providing a 5 percent cost of living adjustment for teacher members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members.

HB 298-L, authorizing bonding by the town of North Hampton.

HB 400, authorizing the division of water resources to acquire the Oliverian Dam in Benton and transferring certain dam rights and easements to the division of water resources.

HB 406, establishing a committee to study pet overpopulation.

HB 417-FN, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members.

HB 433-FN-L, providing a cost of living adjustment for group I and group II retirement system members.

HB 440-FN, providing cost of living adjustments for certain employee members of the retirement system.

HB 450-FN-A, appropriating matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord.

HB 455-FN, increasing the funds available for prevention programs from not less than 5 percent to not less than 6 percent of the appropriation in each fiscal year after 1994, to the division for children and youth services.

HB 492-FN-A, relative to the veterans' cemetery committee and site suitability testing for a veterans' cemetery and making an appropriation therefor.

HB 558, requiring the board of education to submit its proposed rules relative to standards and statewide testing and assessment to the standing legislative education committees for approval or objections.

HB 589-FN, requiring certain entities performing medical utilization review services to register with the insurance department.

HB 594, relative to medical and surgical benefits for group I and group II retired employees.

HB 597-FN, relative to the New Hampshire Native Plant Protection Act.

HB 612-FN-L, relative to changes in the maximum weekly benefit amount for unemployment compensation.

HB 621-FN-A, relative to the threshold for filing under the business profits tax.

CONCURRENCE WITH AMENDMENTS

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting article 4A of the uniform commercial code.

SB 12-FN, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages; adding a new fee for certain wine and liquor vendors; and relative to contracts by liquor and wine representatives and sanctions by the liquor commission against competitors.

SB 25, relative to charitable gifts of life insurance.

SB 53, relative to third party administrators.

SB 57, relative to accreditation under the insurance laws.

SB 76, establishing the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product for injury or damage caused by such product.

SB 83, authorizing municipalities to adopt a property tax exemption for the totally and permanently disabled.

SB 107, excluding services performed by real estate appraisers from the definition of "employment" for purposes of the unemployment compensation law.

SB 109, codifying the "fireman's rule."

SB 122, entitling certain veterans to the standard \$50 veterans' tax credit.

SB 145-FN, relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers.

SB 151-FN-A-L, requiring an animal population fee in addition to licensure fees for certain dogs and establishing a state animal population control program and making an appropriation therefor.

SB 154-A, relative to constructing regional vocational centers and making an appropriation therefor.

SB 156-FN-A, relative to the Portsmouth Naval Shipyard and making an appropriation therefor.

SB 160, relative to qualifications for unemployment benefits.

SB 168-FN, relative to oil terminal facility registration and small fuel oil facilities.

SB 169-FN, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor.

SB 177-FN, requiring the commissioner of transportation to widen Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth.

SB 178, allowing the state to acquire rail properties for other transportation purposes, including recreational trails and making an appropriation therefor.

SB 180-FN, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions.

SB 193, relative to liability under the hazardous waste, oil spillage and underground storage facilities laws and amending statutory definitions to clarify the secured creditor exemption.

SB 209-FN-A, relative to the children's health plan and making an appropriation therefor.

SB 210-FN, relative to the division for children and youth services confidentiality statutes.

SB 224-FN, relative to the statewide education improvement and assessment program.

SB 231-FN-A-L, relative to lead poisoning and control and continually appropriating a fund to the director of public health services.

SB 240, relative to the workers' compensation appeals board.

SB 244, relative to the penalties for persons convicted of negligent homicide.

SB 247-FN, relative to refusal of consent for DWI under the OHRV and boating laws, requiring blood alcohol testing in certain boating accidents, establishing a pilot program for additional intervention programs and repealing the law eliminating the DWI intervention program.

NONCONCURS WITH AMENDMENT

SB 4, relative to a capital appropriation for state house repairs.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 140-FN-A, establishing a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling.

The President appointed Sens. Russman, W. King and Pignatelli.

HB 151-FN, permitting the department of fish and game to issue a special deer license to certain licensees, authorizing the executive director to determine the number of deer taken by an archery licensee and relative to deer tags.

The President appointed Sens. Cohen, Wayne King and Wheeler.

HB 356-L, relative to legal disputes between the state and political subdivisions of the state regarding Article 28-a violations.

The President appointed Sens. Podles, Baldizar and Cohen.

HB 464-FN-A, recognizing merchant marines who served in World War II as World War II veterans.

The President appointed Sens. Roberge, Pignatelli and John King.

HB 602-FN, relative to claiming assets which have escheated to the state.

The President appointed Sens. Fraser, Baldizar and Barnes.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994, and June 30, 1995. (Amendment printed SJ 19, 5/19/93)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Channing Brown, Franklin Torr, Douglas Hall, Schotanus and Trombly. (Alternates: Reps. Burns, Gross, Ann Torr, Jasper and O'Rourke)

HB 2-FN, relative to state fees, funds, revenues and expenditures. (Amendment printed SJ 19, 5/19/93)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Rep. Warburton spoke against the amendment.

Adopted.

The Speaker appointed Reps. Channing Brown, Franklin Torr, Cowenhoven and Vaughn.

HB 437-FN, establishing a pilot program in one county designated by the court requiring parents involved with child custody or support issues to participate in certain seminars and making an appropriation therefor. (Amendment printed SJ 19, 5/19/93)

Rep. Bean moved that the House concur.

Adopted.

HB 663-FN, making technical corrections to the securities laws and repealing 2 obsolete provisions regarding corporate stock. (Amendment printed SJ 19, 5/19/93)

Rep. Bonnie Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Lindblade, Robert Johnson and Braiterman.

HB 339, relative to reporting requirements for elected officials and candidates. (Amendment printed SJ 19, 5/19/93)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Flanagan, Donna Sytek, Bove and Gilmore.

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities. (Amendment printed SJ 19, 5/19/93)

Rep. Donna Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Richard Campbell, C. William Johnson, Christie and Knowles.

HB 119-FN-L, relative to the administration and enforcement of the pesticides statutes. (Amendment printed SJ 19, 5/19/93)

Rep. Musler moved that the House concur.

Rep. Betty Hall spoke against.

Rep. Scanlan spoke in favor and yielded to questions.

Rep. Salatiello spoke against and yielded to questions.

LAI D ON THE TABLE

Rep. O'Rourke moved that **HB 119-FN-L**, relative to the administration and enforcement of the pesticides statutes, be laid on the table. (Pending question; to Concur with the Senate Amendment)

Rep. Gross spoke in favor.

Adopted.

REQUESTS CONCURRENCE WITH AMENDMENTS (Cont'd.)

HB 674-FN, establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study. (Amendment printed SJ 19, 5/19/93)

Rep. Musler moved that the House concur.

Rep. Jeb Bradley yielded to questions.

Adopted.

HB 182, requiring the members of executive branch boards and commissions to file financial disclosure statements. (Amendment printed SJ 19, 5/19/93)

Rep. Kathleen Ward moved that the House concur.

Adopted.

HB 200-FN-A, relative to an actuarial audit of the New Hampshire retirement system, paid for from retirement system funds. (Amendment printed SJ 19, 5/19/93)

Rep. Kathleen Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kathleen Ward, Channing Brown, Gross and David Cote.

HB 194-FN, relative to rabies control. (Amendment printed SJ 19, 5/19/93)

Rep. Robert Foster moved that the House concur.

Adopted.

HB 493, revising the laws that require a prescription to purchase a hypodermic needle. (Amendment printed SJ 19, 5/19/93)

Rep. Robert Foster moved that the House concur.

Adopted.

HB 653, relative to the practice of optometry. (Amendment printed SJ 19, 5/19/93)

Rep. Robert Foster moved that the House concur.

Adopted.

HB 690-FN, allowing and regulating limited liability companies and professional limited liability companies. (Amendment printed SJ 19, 5/19/93)

Rep. Lown moved that the House concur.

Adopted.

HB 164, relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit. (Amendment printed SJ 19, 5/19/93)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Hawkinson and Bagley.

HB 179-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. (Amendment printed SJ 19, 5/19/93)

Rep. Horton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Michael Hill, Horton, Kathleen Ward and Mayhew.

HB 243, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level. (Amendment printed SJ 19, 5/19/93)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wadsworth, Patricia Cote, Chester and Linda Foster.

HB 330, relative to the authority of municipalities to designate certain roads as class V highways. (Amendment printed SJ 19, 5/19/93)

Rep. Wadsworth moved that the House nonconcur.

Adopted.

HB 481, enabling municipalities to enact noise ordinances. (Amendment printed SJ 19, 5/19/93)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Golden, Fesh, Lovejoy and Paula Bradley.

HB 483, relative to the licensing of dogs. (Amendment printed SJ 19, 5/19/93)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Weyler, Dykstra, Noyes and Daneault.

HB 548, providing staggered terms for county commissioners in Carroll county. (Amendment printed SJ 19, 5/19/93)

Rep. Wadsworth moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, Stone, Putnam and Snyder.

HB 25-A, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. (Amendment printed SJ 19, 5/19/93)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, John Chandler, LaMott and Katherine Rogers.

HB 605-FN-A-L, changing the percentage of a municipality's share for local bridge improvement. (Amendment printed SJ 19, 5/19/93)

Rep. Gene Chandler moved that the House concur.

Adopted.

HB 172-FN, relative to the oil discharge and disposal cleanup fund. (Amendment printed SJ 19, 5/19/93)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Conroy, Whalley, Holl and Barbara Arnold.

HB 435-FN, relative to an alternate state contribution for surface water treatment systems.
(Amendment printed SJ 19, 5/19/93)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Dickinson, Larson, Schotanus and Bonneau.

HB 136-FN, pertaining to the authority and operation of the public utilities commission.
(Amendment printed SJ 19, 5/19/93)

Rep. Rodeschin moved that the House concur.

Adopted.

HB 218-FN-A-L, relative to the driver training fund. (Amendment printed SJ 18, 5/18/93)

Rep. George Katsakiores moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. George Katsakiores, Klemarczyk, Bonnie Packard and Robertson.

HB 51-FN-A, relative to establishing a tax on business enterprise value tax base and amending the business profits tax and business corporation act. (Amendment printed SJ 19, 5/19/93)

Rep. Cowenhoven moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Cowenhoven, Jasper, Donna Sytek and Pageotte.

HB 592-FN-A, establishing a committee to study the state's economic development activities.
(Amendment printed SJ 19, 5/19/93)

Rep. Cowenhoven moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Teschner, Nichols, Spear and Soldati.

HB 139, relative to requirements for transportation of deer and official seals for fur-bearing animal skins. (Amendment printed SJ 19, 5/19/93)

Rep. Drake moved that the House concur.

Adopted.

HB 150, prohibiting hunting, fishing and trapping by a person who is in default with any judicial system in the state. (Amendment printed SJ 19, 5/19/93)

Rep. Drake moved that the House concur.

Adopted.

HJR 4, stating that it is the intent of the general court that the division of public health services and the fish and game department protect the water quality of shellfish producing waters and restore shellfish resources to the public as soon as possible. (Amendment printed SJ 19, 5/19/93)

Rep. Drake moved that the House concur.

Adopted.

NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEES OF CONFERENCE

SB 147, requiring the legislative budget assistant to study the state restricted and dedicated funds.

The President appointed Sens. Fraser, Hollingworth and Blaisdell.

Rep. Channing Brown moved that the House accede.

Adopted.

The Speaker appointed Reps. Holbrook, Robert Wheeler, Robert Johnson and David Cote.

SB 218-FN, relative to the child protection act.

The President appointed Sens. Shaheen, Podles and Hollingworth.

Rep. Bean moved that the House accede.

Adopted.

The Speaker appointed Reps. Holden, McNamara, Woods and Irene Pratt.

SB 158, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund.

The President appointed Sens. Barnes, Wayne King and Shaheen.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Beverly Gage, Lindblade, Dowling and Crory.

SB 172, making structural changes within the department of corrections.

The President appointed Sens. John King, Barnes and Blaisdell.

Rep. Donna Sytek moved that the House accede.

Adopted.

The Speaker appointed Reps. Donna Sytek, Kathleen Ward, Robert Wheeler and Gorman.

SB 94, relative to workforce development, making an appropriation to the department of post-secondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition.

The President appointed Sens. Wayne King, Barnes and Pignatelli.

Rep. Peyron moved that the House accede.

Adopted.

The Speaker appointed Reps. Peyron, Trelfa, Groves and Holbrook.

SB 159, relative to technological development and relative to inventor assistance and making an appropriation therefor.

The President appointed Sens. Wayne King, Cohen and Fraser.

Rep. Peyron moved that the House accede.

Adopted.

The Speaker appointed Reps. Trelfa, Peyron, Holbrook and Burling.

SB 196, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefor.

The President appointed Sens. Shaheen, Cohen and Barnes.

Rep. Peyron moved that the House accede.

Adopted.

The Speaker appointed Reps. Simon, Beach, Holbrook and William McCann.

SB 197-FN, implementing Title V of the Clean Air Act.

The President appointed Sens. Russman, Cohen and Hollingworth.

Rep. Musler moved that the House accede.

Adopted.

The Speaker appointed Reps. Jeb Bradley, Messier, Schotanus and Amanda Merrill.

SB 133, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners.

The President appointed Sens. Colantuono, John King and Blaisdell.

Rep. Kathleen Ward moved that the House accede.

Adopted.

The Speaker appointed Reps. Dowd, McRae, Dyer and Groves.

SB 2, redesignating a portion of New Hampshire Route 51 as New Hampshire Route 101.

The President appointed Sens. MacDonald, Cohen and Blaisdell.

Rep. Gene Chandler moved that the House accede.

Adopted.

The Speaker appointed Reps. Gene Chandler, McCarty, Klemm and Ahern.

SB 164-FN, relative to the OHRV fund.

The President appointed Sens. MacDonald, W. King and Cohen.

Rep. George Katsakiores moved that the House accede.

Adopted.

The Speaker appointed Reps. Klemarczyk, Adams, Gerald Merrill and Turgeon.

SB 170-FN-A-L, relative to the distribution of meals and rooms tax revenue.
The President appointed Sens. John King, Blaisdell and Hough.
Rep. Cowenhoven moved that the House accede.
Adopted.

The Speaker appointed Reps. Gross, Cowenhoven, Robert Johnson and O'Rourke.

ENROLLED BILLS AMENDMENTS

HB 278, relative to joint building committees for the construction of schoolhouses.

Amendment (2948B)

Amend RSA 199:5 as inserted by section 4 of the bill by replacing lines 2-3 with the following:

shall not apply to the Union School District of Concord [or to the Union School District in the city of Keene] *and to the school districts of Keene, Lebanon, and Claremont.*

Adopted.

SB 62, establishing a committee to study child support issues. (Amendment printed SJ 20, 5/25/93)

Adopted.

ENROLLED BILLS REPORT

HB 244, relative to parking violation enforcement.

HB 453, relative to delays in processing applications for state public assistance, and making an appropriation therefor.

HB 500, relative to the obligations of lessees of publicly owned property for the payment of property taxes.

HB 567, requiring the office of state planning to conduct a satellite survey of clearcut areas and making an appropriation therefor.

HB 689, relative to funds for students residing in organized towns and unorganized places.

SB 49, establishing a committee to study the feasibility of establishing a commercial shellfish and oyster aquaculture program.

SB 139, requiring the department of environmental services to design a river basin planning an assessment program and making an appropriation therefor.

SB 248, establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in NH.

HB 126, requiring the commissioner of transportation to establish an adopt-a-highway program.

HB 176, establishing a procedure to test and quarantine equines imported from CEM countries.

HB 275, allowing towns to create special funds for highway expenditures.

HB 400, authorizing the division of water resources to acquire the Oliverian Dam in Benton and transferring certain dam rights and easements to the division of water resources.

HB 407, making technical changes to the laws governing the courts.

HB 521, relative to maternity benefits.

HB 596, to provide rulemaking notice to municipalities and legislators.

HB 692, transferring rulemaking authority from the current use board to the chairman of the current use board, who will implement the recommendations of the board.

SB 39, making a technical correction in the enhanced 911 system law and specifying a 4-year term for the executive director of the bureau of emergency communications.

SB 187, relative to public utility ratemaking.

SB 203, clarifying the applicability of the meals and rooms tax to colleges and universities.

SB 241, increasing the cap on the continually-appropriated revolving fund for educational publications, and establishing a revolving fund for training and publications in the division of personnel, department of administrative services.

Rep. Amidon, for the Committee

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 29

Thursday, May 27, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

We give You thanks, good Lord, for the glory of this day, for the beauty and resources of this state, and for the hopes and dreams of those whom we serve. Save us, O, God, from taking any-one or anything for granted, and make us ever mindful of Your inexhaustible love for us and all people, that we may be lifted above every narrow allegiance to serve the greater good. Amen.

Rep. Pageotte led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Nehring, Julie Brown, Charles Cote and Record, the day, illness.

Reps. Allen, Richard Hill, Robert Kelley, Burling, Moncrief, Arndt, Mock, Lessard, Copenhaver, Gilbreth, Lindblade, Lefebvre, Terninko, Lozeau, Blake, Mayhew, Crossman, John Chandler, Pfaff, Rubin, McIlwaine, Crum, Regan, Trombly, Behrens, Lawton, Marsha Pelletier and Avery, the day, important business.

INTRODUCTION OF GUESTS

Ellen Pierce, guest of Reps. McGuirk and Irene Pratt. Paul and Nathlie Chase, parents of Rep. Chase. Eric Holt, son and brother of Reps. David Holt and Mark Holt. Greg Hills, guest of Rep. Allison. Rev. Dale Edwards, guest of Rep. Rose.

REGULAR CALENDAR

HR 22, relative to the U.S. FIRST competition. **OUGHT TO PASS**

Rep. Suzan L. Franks for Economic Development: This Resolution recognizes the importance of Science and Technology education for our students and applauds the efforts of the U.S. FIRST competition which was founded in New Hampshire. In addition the committee further urges as an incentive for scientific literacy that U.S. FIRST proceed with its plans to locate a National Hall of Fame for Science and Technology in New Hampshire. U.S. FIRST is an abbreviation for "United States For Inspiration and Recognition of Science and Technology" and works together with national corporations and schools across our country to promote recognition of the value of Science and Technology in our society. Vote 14-0.

Rep. Franks spoke in favor.

Adopted and ordered to third reading.

CONFEREE CHANGES

HB 164, relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit. Rep. Holbrook replaced Rep. Hawkinson.

SB 159, relative to technological development and relative to inventor assistance and making an appropriation therefor. Rep. Kurk replaced Rep. Holbrook.

SB 196, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefor. Rep. Kurk replaced Rep. Holbrook.

AMENDMENT TO HOUSE RULES

Reps. Gross and Buckley offered the following:

Amend Rule 67 as follows: Delete the entries for June 1, 1993, June 4, June 7, June 10 and June 14, and insert the following: June 4, 1993, Friday - Last day to file Committee-of-

Conference reports (3:00 pm with Clerk) except on HB 1, HB 2, HB 25, HB 51 and SB 170.

June 7, 1993, Monday - All Committee-of-Conference reports available (4:00 p.m.) except on HB 1, HB 2, HB 25, HB 51 and SB 170.

Rep. Gross spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 3, 1993 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HR 22, relative to the U.S. FIRST competition.

UNANIMOUS CONSENT

Rep. Bonnie McCann addressed the House.

Rep. Gross moved that the House stand in recess for the purpose of Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 3:25 p.m.

RECESS

(Speaker Burns in the Chair)

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994, and June 30, 1995.

The President appointed Sens. Hough, Blaisdell and Wayne King, (alternates: Sens. Shaheen and Hollingworth).

HB 2-FN, relative to state fees, funds, revenues and expenditures.

The President appointed Sens. Hough, Shaheen, Hollingworth, (alternates: Sens. Blaisdell and Wayne King).

HB 25-A, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations.

The President appointed Sens. Shaheen, Baldizar and MacDonald.

HB 51-FN-A, relative to establishing a tax on business enterprise value tax base and amending the business profits tax and business corporation act.

The President appointed Sens. Hough, Blaisdell and McLane.

HB 147-FN-A, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor.

The President appointed Sens. John King, McLane and Shaheen.

HB 164, relative to workers' compensation disability payments, lump sum payments, and safety inspections and establishing an insurance fraud investigation unit.

The President appointed Sens. Delahunty, Shaheen and Hollingworth.

HB 172, relative to oil discharge and disposal cleanup fund.

The President appointed Sens. Wayne King, MacDonald and Russman.

HB 173-FN, making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent policeman" to include "state corrections officers" for the purposes of retirement system and relative to the payment of medical benefits to certain group II retirement system members.

The President appointed Sens. McLane, Hollingworth and Blaisdell.

HB 179-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program.

The President appointed Sens. Currier, Colantuono and Blaisdell.

HB 200-FN-A, relative to an actuarial audit of the New Hampshire retirement system, paid for from retirement system funds.

The President appointed Sens. Shaheen, Blaisdell and Delahunty.

HB 218-FN-A-L, relative to the driver training fund.

The President appointed Sens. MacDonald, Wayne King and Bourque.

HB 232, permitting the checking of traps at night subject to certain restrictions.

The President appointed Sens. Cohen, Blaisdell and Wheeler.

HB 243, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level.

The President appointed Sens. Pignatelli, Lovejoy and Roberge.

HB 339, relative to reporting requirements for elected officials and candidates.

The President appointed Sens. Russman, Bourque and John King.

HB 358, allowing the creation of or participation in professional corporations by physician assistants.

The President appointed Sens. John King, Podles and Baldizar.

HB 390, to limit the terms of office for the members of the United States Congress from New Hampshire.

The President appointed Sens. Barnes, Hollingworth and Cohen.

HB 427-FN, relative to the cost of living increases in the AFDC payment standard.

The President appointed Sens. John King, McLane and Blaisdell.

HB 435-FN, relative to an alternate state contribution for surface water treatment systems.

The President appointed Sens. Wayne King, Russman and Blaisdell.

HB 481, enabling municipalities to enact noise ordinances.

The President appointed Sens. Russman, Pignatelli and Colantuono.

HB 483-FN-L, relative to the licensing of dogs.

The President appointed Sens. Roberge, Bourque and Cohen.

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities.

The President appointed Sens. MacDonald, Lamirande and Bourque.

HB 548, providing staggered terms for county commissioners in Carroll county.

The President appointed Sens. MacDonald, Lovejoy and Pignatelli.

HB 592-FN-A, establishing a committee to study the state's economic development activities.

The President appointed Sens. Wayne King, Shaheen and Fraser.

HB 606-FN, authorizing employers subject to the workers' compensation law to establish managed care programs.

The President appointed Sens. Shaheen, Hollingworth and Fraser.

HB 663-FN, making technical corrections to the securities laws and repealing 2 obsolete provisions regarding corporate stock.

The President appointed Sens. Fraser, Lamirande and Barnes.

HB 672-FN-A-L, establishing a health kids corporation and making an appropriation therefor and continually appropriating a special fund.

The President appointed Sens. John King, McLane and Hollingworth.

RE-REFERRED

HB 167, clarifying circumstances under which a person is justified in using deadly force.

HB 382, changing the annual rate of interest on judgments and business transactions.

HB 510, relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions.

HB 514, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees.

HB 531, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.

HB 541, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections.

NONCONCURRENCE**HB 60**, setting a rate for the communications services tax.**HB 412-FN**, allowing liquor licenses for billiard facilities.**REMOVED FROM THE TABLE**

Rep. Buckley moved that **HB 119-FN-L**, relative to the administration and enforcement of the pesticides statutes, be removed from the table. (Pending question: Concurrence with the Senate Amendment)

Roll call request sufficiently seconded. The question being to remove HB 119-FN-L from the table.

YEAS 213**NAYS 123****YEAS 213****BELKNAP**

Bartlett, Gordon
Hauck, William
Rice, Thomas, Jr.

Cain, Thomas
Hawkins, Robert
Ziegler, Alice

Campbell, Richard, Jr.
Holbrook, Robert

Golden, Paul
Johnson, Carl

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

Cogswell, Richard
Mock, Henry

CHESHIRE

Champagne, Richard
Manning, Joseph
Royce, H. Charles

Cole, Stacey
McNamara, Wanda

Delano, Robert
Pearson, Gertrude

Foster, Katherine
Pratt, Irene

COOS

Bradley, Paula
Horton, Lynn

Foss, Frederic
Merrill, Gerald

Guay, Lawrence
Pratt, Leighton

Harwell, Tyler

GRAFTON

Adams, Carl
Driscoll, William
LaMott, Paul
Scanlan, David
White, Paul

Brown, Alson
Eaton, Stephanie
Larson, Nils, Jr.
Teschner, Douglass

Brown, Channing
Gordon, Edward
Nordgren, Sharon
Trelfa, Richard

Brown, Patricia
Ham, Bonnie
Rose, William
Ward, Kathleen

HILLSBOROUGH

Ahern, Richard
Andrews, Frederick
Bowers, Dorothy
Cote, David
Donovan, Francis
Franks, Suzan
Healy, Daniel
Kelley, Dana
Lown, Elizabeth
Messier, Irene
Morello, Michael
Peters, Stanley
Sallada, Roland
Soucy, Donna
Wheeler, Robert

Ahlgren, Madelyn
Arnold, Barbara
Buckley, Raymond
Cowenhoven, Garret
Durham, Susan
Gagnon, Eugene
Hunter, Bruce
Kirby, Thomas
McNerney, Daniel
Milligan, Robert
Murphy, Robert
Reidy, Frank
Sargent, Maxwell
Tate, Joan
White, John

Ahrens, Frederick
Arnold, Thomas, Jr.
Burke, M. Virginia
Desrosiers, William
Dyer, Merton
Gosselin, Gerald
Jasper, Shawn
L'Heureux, Robert
McRae, Karen
Mittelman, David
Packard, Bonnie
Rheault, Lillian
Searles, Stanley, Sr.
Vanderlosk, Stanley

Amidon, Eleanor
Asselin, Robert
Cepaitis, Elizabeth
Dodge, Emma
Dykstra, Leona
Hart, Nick
Jean, Loren
Lachut, Ervin
Mercer, Robert
Moore, Elizabeth
Perkins, Paul
Rothhaus, Finlay
Smith, Leonard
Weergang, Alida

MERRIMACK

Barberia, Richard
Chandler, John
Hill, Michael

Buessing, Marjorie
Fillion, Paul
Holmes, Mary

Carter, Susan
Gross, Caroline
Johnson, C. William

Chandler, Earle
Hall, Douglas
Kidder, William

Langer, Ray
Stapleton, Henry
Whittemore, James

Lockwood, Robert
Trombly, Rick
Willis, Jack

Pfaff, Terence
Weeks, John, Jr.
Yeaton, Charles

Rogers, Katherine
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Christie, Andrew, Jr.
Crum, William, Jr.
Felch, Charles, Sr.
Flanders, John, Sr.
Hurst, Sharleene
Klemm, Arthur, Jr.
Malcolm, Kenneth
Noyes, Richard
Pullman, Robert
Senter, Merilyn
Stritch, C. Donald
Welch, David

Arndt, Janet
Bove, Martin
Clark, Vivian
DiPietro, Carmela
Fesh, Robert
Gorman, Donald
Johnson, Robert
Kruse, Fred
McGovern, Cynthia
Packard, Sherman
Raynowska, Bernard
Simon, Peter
Sytek, Donna
Williamson, William

Battles, Marjorie
Campbell, Marilyn
Coes, Betsy
Dowd, Sandra
Flanagan, Natalie
Groves, Bonnie
Katsakiores, George
Lee, Rebecca
McKinney, Betsy
Pantelakos, Laura
Richards, David
Skinner, Patricia
Sytek, John

Blake, Daniel
Chester, Sherman
Cote, Charles
Drake, Herbert
Flanders, David
Hemenway, Thomas
Klemarczyk, Thaddeus
Lovejoy, Marian
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Stone, Joseph
Vaughn, Charles

STRAFFORD

Callaghan, Frank
Knowles, William
Pelletier, Arthur
Torr, Franklin

Dunlap, Patricia
Lundborn, Raymond
Spear, Barbara
Torr, Ralph

Hemon, Roland
McCann, William, Jr.
Sullivan, Henry
Wall, Janet

Keans, Sandra
Nehring, William
Torr, Ann
Wasson, Richard

SULLIVAN

Allison, David
Palmer, Lorraine

Burling, Peter
Peyron, Fredrick

Domini, Irene
Rodeschin, Beverly

Kane, Joan
Schotanus, Merle

NAYS 123

BELKNAP

Dewhurst, Glenn
Turner, Robert

Laffam, Robert

Rosen, Ralph

Salatiello, Thomas

CARROLL

CHESHIRE

Bonneau, Sarah
Kingsbury, H. Thayer
Robertson, Timothy

Burnham, Daniel
Lynch, Margaret
Russell, Ronald

DePecol, Benjamin
McGuirk, Paul
Young, David

Hunt, John
Richardson, Barbara

COOS

Coulombe, Henry
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTON

Below, Clifton
Hill, Richard

Chase, Paul, Jr.
McIlwaine, Deborah

Copenhaver, Marion

Guest, Robert

HILLSBOROUGH

Bagley, Amy
Calawa, Leon, Jr.
Daniels, Gary
Eliades, George
Gage, Ruth
Holley, Sylvia

Bergeron, Lucien
Chabot, Robert
Domaingue, Jacquelyn
Fenton, James
Gervais, Glen
Jean, Claudette

Bergeron, Normand
Clemons, Jane
Drabinowicz, A. Theresa
Ferguson, Charles
Hall, Betty
Johnson, Lionel

Borsa, Andrew
Daigle, Robert
Drolet, Paul
Foster, Linda
Hanselman, Gregory
Kelley, Robert

Kurk, Neal
 Martin, Mary Ellen
 Nardi, Theodora
 Philbrook, Paula
 Toomey, Kathryn

Laughlin, J. Francis
 McCarty, Winston
 O'Rourke, Joanne
 Plourde, Alphonse
 Turgeon, Roland

Lefebvre, Roland
 Moncrief, Keith
 Paquette, Rodolphe
 Smart, John

Lessard, Rudy
 Morrissette, Roland
 Pepino, Leo
 Soucy, Richard

MERRIMACK

Apple, Lowell
 Feuerstein, Martin
 Newland, Matthew
 Soldati, Jennifer

Braiterman, Thea
 French, Barbara
 Nichols, Avis
 Ward, Jay

Daneault, Gabriel
 Houlahan, Thomas
 Owen, Derek

Dunn, Miriam
 Moore, Carol
 Shaw, Randall

ROCKINGHAM

Beaulieu, Jon
 Conroy, Janet
 Kane, Cecelia
 Rubin, George
 St. Martin, Tommy
 Weyler, Kenneth

Bell, Juanita
 Cote, Patricia
 Moore, Benjamin
 Schanda, Joseph, Sr.
 Syracuse, Anthony

Caswell, Albert, Jr.
 Crossman, Harold, Jr.
 O'Keefe, Patricia
 Smith, Arthur
 Terninko, Margaret

Clark, Martha
 Dube, LeRoy
 Putnam, Ed, II
 Splaine, James
 Warburton, Calvin

STRAFFORD

Brown, George
 Loder, Suzanne
 Merritt, Deborah
 Snyder, Clair

Chagnon, Ronald
 McGrath, J. Gregory
 O'Brien, John
 Vincent, Francis

Gilmore, Gary
 McKinley, Robert
 Pageotte, Donald
 Wheeler, Katherine

Hilliard, Dana
 Merrill, Amanda
 Rogers, Rose Marie

SULLIVAN

Cloutier, John

Flint, Gordon

Stamatakis, Carol

and the bill was removed from the table.

The pending question is concurrence with the Senate Amendment.

Reps. Amanda Merrill and Terninko spoke against.

Rep. Scanlan spoke in favor.

Rep. Martin requested a quorum count. The Speaker declared a quorum present.

Rep. Martin spoke against.

Reps. Schotanus and Cole spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being concurrence with the Senate Amendment.

YEAS 209

NAYS 138

YEAS 209

BELKNAP

Bartlett, Gordon
 Hauck, William
 Turner, Robert

Cain, Thomas
 Holbrook, Robert
 Ziegler, Alice

Campbell, Richard, Jr.
 Johnson, Carl

Golden, Paul
 Rosen, Ralph

CARROLL

Beach, Mildred
 Dickinson, Howard, Jr.
 Philbrick, Donald

Bradley, Jeb
 Foster, Robert
 Saunders, Howard

Chandler, Gene
 Lyman, L. Randy
 Wiggin, Allen

Cogswell, Richard
 Mock, Henry

CHESHIRE

Avery, Stephen
 McGuirk, Paul
 Young, David

Cole, Stacey
 McNamara, Wanda

Delano, Robert
 Pearson, Gertrude

Hunt, John
 Royce, H. Charles

COOS

Bradley, Paula
 Horton, Lynn

Foss, Frederic
 Merrill, Gerald

Guay, Lawrence
 Pratt, Leighton

Harwell, Tyler

GRAFTON

Adams, Carl
Brown, Patricia
Ham, Bonnie
Rose, William
Wadsworth, Karen

Bean, Pamela
Dow, David
Hill, Richard
Scanlan, David
Ward, Kathleen

Brown, Alson
Driscoll, William
LaMott, Paul
Teschner, Douglass
White, Paul

Brown, Channing
Guest, Robert
Larson, Nils, Jr.
Trelfa, Richard

HILLSBOROUGH

Ahem, Richard
Andrews, Frederick
Bowers, Dorothy
Cowenhoven, Garret
Drolet, Paul
Eliades, George
Hart, Nick
Jean, Loren
Lachut, Ervin
Milligan, Robert
Murphy, Robert
Peters, Stanley
Sargent, Maxwell
Tate, Joan

Ahlgren, Madelyn
Arnold, Barbara
Buckley, Raymond
Desrosiers, William
Durham, Susan
Fields, Dennis
Healy, Daniel
Kelley, Dana
McCarty, Winston
Mittelman, David
O'Rourke, Joanne
Reidy, Frank
Searles, Stanley, Sr.
Vanderlosk, Stanley

Ahrens, Frederick
Arnold, Thomas, Jr.
Burke, M. Virginia
Dodge, Emma
Dyer, Merton
Gage, Ruth
Hunter, Bruce
Kelley, Robert
Mercer, Robert
Moore, Elizabeth
Packard, Bonnie
Rheault, Lillian
Smith, Leonard
Weergang, Alida

Amidon, Eleanor
Bagley, Amy
Calawa, Leon, Jr.
Drabinowicz, A. Theresa
Dykstra, Leona
Gagnon, Eugene
Jasper, Shawn
Kirby, Thomas
Messier, Irene
Morello, Michael
Perkins, Paul
Sallada, Roland
Soucy, Donna
Wheeler, Robert

MERRIMACK

Apple, Lowell
Chandler, Earle
Gross, Caroline
Johnson, C. William
Pfaff, Terence
Wallner, Mary Jane

Barberia, Richard
Chandler, John
Hall, Douglas
Kidder, William
Rogers, Katherine
Weeks, John, Jr.

Buessing, Marjorie
Feuerstein, Martin
Hill, Michael
Langer, Ray
Stapleton, Henry
Willis, Jack

Carter, Susan
Fillion, Paul
Holmes, Mary
Lockwood, Robert
Trombly, Rick
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Christie, Andrew, Jr.
Crum, William, Jr.
Dube, LeRoy
Flanders, David
Hurst, Sharleene
Kruse, Fred
Noyes, Richard
Raynowska, Bernard
Stone, Joseph
Welch, David

Arndt, Janet
Bove, Martin
Coes, Betsy
DiPietro, Carmela
Felch, Charles, Sr.
Flanders, John, Sr.
Johnson, Robert
Lee, Rebecca
Packard, Sherman
Richards, David
Stritch, C. Donald
Weyler, Kenneth

Battles, Marjorie
Campbell, Marilyn
Cote, Charles
Dowd, Sandra
Fesh, Robert
Gage, Beverly
Katsakiores, George
McKinney, Betsy
Pullman, Robert
Ritzo, Eugene
Sytek, Donna
Williamson, William

Blake, Daniel
Chester, Sherman
Crossman, Harold, Jr.
Drake, Herbert
Flanagan, Natalie
Hemenway, Thomas
Klemm, Arthur, Jr.
Miller, Don
Putnam, Ed, II
Skinner, Patricia
Sytek, John
Woods, Deborah

STRAFFORD

Chagnon, Ronald
Hilliard, Dana
Spear, Barbara
Vincent, Francis

Douglass, Clyde
Lundborn, Raymond
Sullivan, Henry
Wasson, Richard

Dunlap, Patricia
McCann, William, Jr.
Torr, Ann

Hemon, Roland
Nehring, William
Torr, Franklin

SULLIVAN

Allison, David
Domini, Irene
Rodeschin, Beverly

Behrens, Thomas
Flint, Gordon
Schotanus, Merle

Burling, Peter
Palmer, Lorraine
Stamatakis, Carol

Cloutier, John
Peyron, Fredrick

**NAYS 138
BELKNAP**

Lafiam, Robert

Rice, Thomas, Jr.

Salatiello, Thomas

Smith, Linda

CARROLL

Wiggin, Gordon

CHESHIREBonneau, Sarah
Foster, Katherine
Pratt, IreneBurnham, Daniel
Kingsbury, H. Thayer
Richardson, BarbaraChampagne, Richard
Lynch, Margaret
Robertson, TimothyDePecol, Benjamin
Manning, Joseph
Russell, Ronald**COOS**Coulombe, Henry
Wiswell, James

Hawkinson, Marie

Mayhew, Josephine

Mears, Edgar

GRAFTONBelow, Clifton
Eaton, StephanieChase, Paul, Jr.
Gordon, EdwardCopenhaver, Marion
McIlwaine, DeborahCroy, Elizabeth
Nordgren, Sharon**HILLSBOROUGH**Asselin, Robert
Cepaitis, Elizabeth
Crotty, Edward
Fenton, James
Gosselin, Gerald
Holt, Mark
L'Heureux, Robert
Lessard, Rudy
McRae, Karen
Paquette, Rodolphe
Rothhaus, Finlay
Turgeon, RolandBergeron, Lucien
Chabot, Robert
Daigle, Robert
Ferguson, Charles
Hall, Betty
Jean, Claudette
Laughlin, J. Francis
Lown, Elizabeth
Moncrief, Keith
Pepino, Leo
Smart, John
White, JohnBergeron, Normand
Clemons, Jane
Daniels, Gary
Foster, Linda
Hanselman, Gregory
Johnson, Lionel
Leclerc, Charles
Martin, Mary Ellen
Morrissette, Roland
Philbrook, Paula
Soucy, RichardBorsa, Andrew
Cote, David
Donovan, Francis
Gervais, Glen
Holley, Sylvia
Kurk, Neal
Lefebvre, Roland
McNemey, Daniel
Nardi, Theodora
Plourde, Alphonse
Toomey, Kathryn**MERRIMACK**Braiterman, Thea
Houlahan, Thomas
Nichols, Avis
Ward, JayDaneault, Gabriel
Kennedy, Richard
Owen, Derek
Whalley, MichaelDunn, Miriam
Moore, Carol
Shaw, Randall
Whittemore, JamesFrench, Barbara
Newland, Matthew
Soldati, Jennifer**ROCKINGHAM**Bell, Juanita
Conroy, Janet
Kane, Cecelia
McGovern, Cynthia
Pratt, Katharin
Smith, Arthur
Teminko, MargaretCaswell, Albert, Jr.
Cote, Patricia
Klemarczyk, Thaddeus
Moore, Benjamin
Rosencrantz, James
Splaine, James
Vaughn, CharlesClark, Martha
Gorman, Donald
Lovejoy, Marian
O'Keefe, Patricia
Rubin, George
St. Martin, Tommy
Warburton, CalvinClark, Vivian
Groves, Bonnie
Malcolm, Kenneth
Pantelakos, Laura
Senter, Merilyn
Syracusa, Anthony**STRAFFORD**Brown, George
Keans, Sandra
McKinley, Robert
Pageotte, Donald
Torr, RalphCallaghan, Frank
Knowles, William
Merrill, Amanda
Pelletier, Arthur
Wall, JanetGilmore, Gary
Loder, Suzanne
Merritt, Deborah
Rogers, Rose Marie
Wheeler, KatherineHashem, Elaine
McGrath, J. Gregory
O'Brien, John
Snyder, Clair**SULLIVAN**

Kane, Joan

and the House concurred with the Senate amendment.

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 30

Thursday, June 3, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of great tenderness, hear not only the prayers we offer with words but those we offer with sighs of frustration and out of the depths of silence. Speak Your work to unleash our wisdom, sustain us when we are weary, unclench us when we are frustrated, and awaken in us the gifts You have granted us, that Your vision for the world may become our vision. Amen.

Rep. Manning led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Holden, Mason, Metzger, Lindblade, Perry and Record, the day, illness.

Reps. Lozeau, Kincaid, Newman, Wells, Frances Riley, Holl, Allen, Hambrick, Teague, Upton, Edwin Smith, Musler, Greenberg, Gilbreth, Gargiulo and David Holt, the day, important business.

INTRODUCTION OF GUESTS

Martha Bartlett, wife of Rep. Bartlett. Brigitta Petersdorf and Susan Duncan, guests of Rep. Gordon.

GUESTS ON THE ROSTRUM

Harold Graber, Director of State Cemetery Grants Service for the U. S. Department of Veterans Affairs, and Stu Carmichael from Senator Smith's office, guests of the House.

CONFEREE CHANGE

SB 141-FN-A, removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor. Rep. Knowles replaced Rep. Hambrick.

ENROLLED BILLS AMENDMENTS

HB 298-L, authorizing bonding by the town of North Hampton.

Amendment (2985B)

Amend section 1 of the bill by replacing line 4 with the following:
of its expected net tax commitment for the July 1, 1993 to June 30, 1994 fiscal year,
Adopted.

SB 12-FN, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages; adding a new fee for certain wine and liquor vendors; and relative to contracts by liquor and wine representatives and sanctions by the liquor commission against competitors. (Amendment printed SJ 22, 6/8/93)

Adopted.

SB 79, also known as "Kimberly Goss Act", limiting persons arrested for a violent offense while on parole or probation for a similar offense from receiving bail. (Amendment printed SJ 22, 6/8/93)

Adopted.

SB 160, relative to qualifications for unemployment benefits. (Amendment printed SJ 22, 6/8/93)

Adopted.

ENROLLED BILLS REPORT

HB 52, relative to certain hospitals exempt from the meals and rooms tax.

HB 113, expanding the financial authority of towns.

HB 171, changing procedures applicable to the board of registration in medicine, and clarifying the provisions providing immunity from civil action to members of the board of chiropractic examiners, board of registration in medicine, and board of examiners of psychology and mental health practice, and good faith immunity to others who provide information to these boards.

HB 177, establishing procedures for the removal of town clerks, tax collectors, and treasurers.

HB 278, relative to joint building committees for the construction of schoolhouses.

HB 352, requiring DWI offenders to supply a certified copy of their New Hampshire driver's license record at the time of enrollment into an impaired driver intervention program.

HB 433, providing a cost of living adjustment for group I and group II retirement system members.

HB 440, providing cost of living adjustments for certain employee members of the retirement system.

HB 490, permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared.

HB 492, relative to the veterans' cemetery committee and site suitability testing for a veterans' cemetery and making an appropriation therefor.

HB 571, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading.

HB 575, limiting dog training and authorizing the executive director of fish and game to issue permits for the use of bear dogs to control agricultural and property damage.

HB 612, relative to changes in the maximum weekly benefit amount for unemployment compensation.

HB 621, relative to the threshold for filing under the business profits tax.

HB 671, increasing the term of a resident's license to carry loaded pistols and revolvers.

SB 25, relative to charitable gifts of life insurance.

SB 42, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work and adding a member to the emergency medical services coordinating board.

SB 52, relative to workers' compensation liability insurance and return of insurance premiums.

SB 83, authorizing municipalities to adopt a property tax exemption for the totally and permanently disabled.

SB 96, making the State Credit Union Act conform with the Federal Credit Union Act.

SB 117, relative to the appointment of and payment of fees to guardians ad litem.

SB 151, requiring an animal population fee in addition to licensure fees for certain dogs and establishing a state animal population control program and making an appropriation therefor.

SB 177, requiring the commissioner of transportation to widen Sagamore Creek bridge on US Route 1 in the city of Portsmouth.

SB 223, allowing appeals of permanent impairment awards to the compensation appeals board.

Sen. Currier, Rep. Dunn, for the Committee

BUDGET BRIEFING

Rep. Channing Brown briefed the House on the Senate Amendment to HB 1-A and yielded to questions.

PRESENTATION

The Speaker presented Deputy Speaker Michael Hill with a gavel.

REMOVED FROM THE TABLE

Rep. Barbara Arnold moved that **HR 12**, affirming revenue estimates for fiscal year 1993, be removed from the table. (Pending question: Ordering to third reading)

Adopted.

The Committee on Ways and Means offered the following:

Amendment

93REVWIMES95JA
LBAO
06/02/93

State of New Hampshire
Ways and Means Committee report
to the House of Representatives
Compared to the Governor's Estimates
(000's Omitted)

	FY 1993				FY 1994				FY 1995			
	ACTUAL		COMMITTEE ESTIMATE		COMMITTEE ESTIMATE		COMMITTEE ESTIMATE		COMMITTEE ESTIMATE		COMMITTEE ESTIMATE	
	MAY	JUNE	MAY	JUNE	MAY	JUNE	MAY	JUNE	MAY	JUNE	MAY	JUNE
GENERAL FUND												
BEER	11,567	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	12,000	12,000
BOARD AND CARE	22,466	22,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000	24,000
MECHANIC HOSPITAL REVENUE	184,271	180,700	180,700	180,700	180,700	180,700	180,700	180,700	180,700	180,700	180,700	180,700
BUSINESS PROFITS TAX	91,604	116,000	116,000	116,000	124,800	127,000	127,000	127,000	127,000	127,000	127,000	127,000
ESTATE AND LEGACY TAXES	24,128	31,000	31,000	31,000	31,000	31,000	31,000	31,000	31,000	31,000	31,000	31,000
INSURANCE	44,869	46,000	46,000	46,000	47,800	50,000	50,000	50,000	50,000	50,000	51,000	51,000
INTEREST AND DIVIDENDS TAX	34,608	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
LIQUOR	62,493	63,000	63,000	63,000	63,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000
MEALS AND ROOMS TAXES	92,078	96,000	96,000	96,000	97,000	98,000	98,000	98,000	98,000	98,000	101,000	101,000
PARKS INCOME	4,297	5,000	5,000	5,000	4,800	5,000	5,000	5,000	5,000	5,000	5,000	5,000
DOG RACING	4,819	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000
HORSE RACING	3,142	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
REAL ESTATE TRANSFER TAX	26,108	26,000	26,000	26,000	27,000	28,000	28,000	28,000	28,000	28,000	28,000	28,000
COMMUNICATIONS TAX	27,782	30,000	30,000	30,000	29,300	30,000	30,000	30,000	30,000	31,200	32,000	32,000
CIGARETTE TAX	26,377	41,000	41,000	41,000	41,000	43,000	43,000	43,000	43,000	43,000	45,000	45,000
UTILITIES	22,989	24,000	24,000	24,000	18,000	18,000	18,000	18,000	18,000	19,500	19,500	19,500
OTHER	36,941	36,000	36,000	36,000	40,000	40,000	40,000	40,000	40,000	41,000	41,000	42,000
COURTS	19,863	19,500	19,500	19,500	20,000	21,000	21,000	21,000	20,000	20,000	21,000	21,000
SAVINGS BANK TAX	7,448	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	4,000	4,000
TOTAL	746,304	778,200	783,000	783,000	781,208	788,000	788,000	788,000	781,108	776,400	788,000	791,648
HIGHWAY FUND												
GASOLINE ROAD TOLL	94,107	96,875	96,875	96,875	96,875	97,000	97,000	97,000	97,000	96,887	96,887	96,887
MOTOR VEHICLE FEES	65,026	64,540	64,540	64,540	64,540	64,070	64,070	64,070	64,070	64,729	64,729	64,732
MISCELLANEOUS	8,877	8,450	8,450	8,450	8,450	8,774	8,774	8,774	8,771	8,764	8,764	8,761
TOTAL	168,010	169,865	169,865	169,865	169,865	165,407	165,407	165,407	165,407	166,380	166,380	166,380
FISH AND GAME FUND												
FISH AND GAME LICENSES	5,746	6,015	6,015	6,015	6,015	6,016	6,016	6,016	6,016	6,016	6,016	6,016
FINES AND PENALTIES	80	85	85	85	85	85	85	85	85	85	85	85
MISCELLANEOUS SALES	504	482	482	482	482	186	186	186	186	186	186	186
INDIRECT COSTS	70	50	50	50	50	270	270	270	270	270	270	270
TOTAL	6,410	6,642	6,642	6,642	6,642	6,341	6,341	6,341	6,341	6,341	6,341	6,329

a Estimate for the Communications Tax at the rate of 6%, and for the Real Estate Transfer Tax at the rate of 6.525 per hundred.
 b Estimate for the Communications Tax at the rate of 5.5%, and for the Real Estate Transfer Tax at the rate of 6.50 per hundred.

Rep. Cowenhoven spoke in favor and yielded to questions.

Adopted.

LAIID ON THE TABLE

Rep. Barbara Arnold moved that **HR 12**, affirming revenue estimates for fiscal year 1993, be laid on the table.

Adopted.

REGULAR CALENDAR

HR 24, urging continuing sanctions against the governments of lands which constitute what was the Federal Republic of Yugoslavia prior to January 1, 1991. **OUGHT TO PASS**

Rep. John B. Hunt for State Federal Relations: This house resolution urges that sanctions against the governments of lands constituting what was the Federal Republic of Yugoslavia prior to January 1, 1991, be implemented with increased vigor. The removal of the sanctions should occur only after certain conditions have been met relating to the apprehension and sentencing of war criminals. Vote 10-0.

Rep. Foss spoke in favor.

Adopted and ordered to third reading.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 9, 1993 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HR 24, urging continuing sanctions against the governments of lands which constitute what was the Federal Republic of Yugoslavia prior to January 1, 1991.

UNANIMOUS CONSENT

Reps. Guay and Cogswell addressed the House.

Rep. Gross moved that the House stand in recess for the purpose of Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 4:05 p.m.

RECESS

Rep. Gross moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 31

Wednesday, June 9, 1993

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill and the Honorable Council joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O, God of all our lives, help us to recognize and honor the stories and hopes and burdens which are embodied within each person now gathered in this historic place of assembly. Save us from harsh judgments of others and the quick dismissal of complex issues. And so unite us around Your passion that we might rise above every division to join together in the doing of Your will for the people of our state. Amen.

Rep. Joyce Johnson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mason, Katherine Rogers, Record, Perry, William McCann, Chase and Caswell, the day, illness.

Reps. Holl, Crum, George Brown, Hashem, Dowling, Gordon, Donovan, Russell, Edwin Smith, Spear, Greenberg, Moncrief, George Katsakiores, Richards, Marsha Pelletier, David Young and Dow, the day, important business.

Rep. Cloutier, the day, death in the family.

INTRODUCTION OF GUESTS

Jamie Holland, granddaughter of Rep. John Chandler. Dan Hilliard, brother of Rep. Hilliard. Former Rep. Virginia Lovejoy, guest of Rep. Beach.

GUESTS ON THE ROSTRUM

Marc Sauce and Alain Brissat, members of the Trade and Scientific Mission from Nimes, France, guests of the House.

RESOLUTION

Rep. Gross offers the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 112, its transmittal having been delayed because of a request for and the receipt of an Opinion of the Justices, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL**First, second reading and referral**

SB 112, prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim. (to Judiciary)

ENROLLED BILLS AMENDMENTS

SB 180-FN-L, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 193, relative to liability under the hazardous waste, oil spillage and underground storage facilities laws and amending statutory definitions to clarify the secured creditor exemption. (Amendment printed SJ 23, 6/9/93)

ENROLLED BILLS REPORT

HB 114, relative to hunting restrictions.

HB 115, repealing reporting requirements for fish or game propagation licensees; and limiting the time bob-houses may be on public property and adding a penalty for violations.

HB 139, relative to requirements for transportation of deer, official seals for fur-bearing animal skins, permitting the sale of imported venison to retail outlets and illegal night-hunting.

HB 182, requiring the members of executive branch boards and commissions to file financial disclosure statements.

HB 184, establishing a study committee to oversee the design and planning of a new Plymouth district courthouse.

HB 194, relative to rabies control.

HB 197, relative to insurance fraud.

HB 214, relative to results of toxicology tests and the salary of the forensic toxicologist and making an appropriation therefor.

HB 221, modifying the fish and game department's eminent domain powers.

HB 245, permitting the state treasurer to appoint 2 assistant state treasurers.

HB 292, relative to a home care clients' bill of rights.

HB 298, authorizing bonding by the town of North Hampton.

HB 328, relative to the priority for distribution in insolvency proceedings of fees and costs paid in advance by consumers in relation to a mortgage application.

HB 406, establishing a committee to study pet over population.

HB 455, increasing the funds available for prevention programs from not less than 5 percent to not less than 6 percent of the appropriation in each fiscal year after 1994, to the division for children and youth services.

HB 493, relative to purchasing hypodermic needles, educating persons regarding safe disposal of needles and drug rehabilitation and establishing an advisory committee.

HB 558, requiring the board of education to submit its proposed rules relative to standards and statewide testing and assessment to the standing legislative education committees for approval or objections.

HB 559, allowing a customer to terminate service from a water utility.

HB 589, requiring certain entities performing medical utilization review services to register with the insurance department.

HB 594, relative to medical and surgical benefits for group I and group II retired employees.

HB 597, relative to the New Hampshire Native Plant Protection Act.

HB 665, establishing a committee to study the effects and feasibility of a statewide property tax to fund education.

HJR 4, stating that it is the intent of the general court that the division of public health services and fish and game department protect the water quality of shellfish producing waters and restore shellfish resources to the public as soon as possible.

SB 35, relative to organ transplants.

SB 53, relative to third party administrators.

SB 57, relative to accreditation under the insurance laws.

SB 61, relative to substitution of alternate jurors after final submission of a case to the jury.

SB 62, establishing a committee to study child support issues.

SB 76, establishing the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product for injury or damage caused by such product.

SB 79, also known as the "Kimberly Goss Act", limiting persons arrested for a violent offense while on parole or probation for a similar offense from receiving bail.

SB 103, relative to the construction of exit 10 on the Spaulding turnpike.

SB 107, excluding services performed by real estate appraisers from the definition of "employment" for the purposes of the unemployment compensation law.

SB 109, codifying the "fireman's rule."

SB 122, entitling certain veterans to the standard \$50 veterans' tax credit.

SB 127, requiring that certain electric utility savings as a result of debt refinancings using tax-exempt pollution control revenue bonds be used for investment in energy conservation and efficiency.

SB 130, requiring disciplinary action against a physician for certain prohibited conduct.

SB 145, relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers.

SB 154, relative to constructing regional vocational centers and making an appropriation therefor.

SB 156, relative to the Portsmouth Naval Shipyard and making an appropriation therefor.

SB 174, relative to the notice to counties when children are placed by a court order.

SB 178, allowing the state to acquire rail properties for other transportation purposes, including recreational trails and making an appropriation therefor.

SB 202, relative to special plates and windshield placards for persons with walking disabilities.

SB 207, relative to work incentives for families receiving Aid to Families with Dependent Children.

SB 216, relative to persons and estates chargeable for support.

SB 240, relative to the workers' compensation appeals board.

SB 244, relative to the penalties for persons convicted of negligent homicide.

SB 247, relative to refusal of consent for DWI under the OHRV and boating laws, requiring blood alcohol testing in certain boating accidents, establishing a pilot program for additional intervention programs and repealing the law eliminating the DWI intervention program.

Rep. Dunn for the Committee

COMMITTEE OF CONFERENCE REPORT ON SB 2-FN

The committee of conference to which was referred Senate Bill 2-FN, An Act redesignating a portion of New Hampshire Route 51 as New Hampshire Route 101 having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Redesignating Route 101. Pursuant to RSA 4:43, New Hampshire Route 51 running from New Hampshire Routes 108 and 101 in the town of Stratham, for approximately 10 miles, through the towns of Stratham, Exeter and Hampton to its intersection with New Hampshire Route 1A in the town of Hampton, is hereby redesignated as Route 101. The route designation change shall become official once the section of the New Hampshire Route 51 improvements are completed between I-95 and the intersection of New Hampshire Routes 101 and 108 in the town of Stratham. Signs shall be built and installed no later than January 1, 1997, using federal funds that are designated for this route change during the construction of this section of New Hampshire Route 51. Following the change, the department of transportation shall redesignate the current New Hampshire Route 101 a numbered state highway.

Conferees: Sens. MacDonald, Dist/3; Cohen, Dist/24; Blaisdell, Dist/10.

Conferees: Reps. Gene Chandler, Carr/1; McCarty, Hills/38; Klemm, Rock/28; Ahern, Hills/38

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 6

The committee of conference to which was referred Senate Bill 6, An Act permitting the bank commissioner to regulate municipal development authorities and organizations and not-for-profit development organizations which become small business lenders through certain federal and state loan programs having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Fraser, Dist/4; Disnard, Dist/8; Barnes, Dist/17.

Conferees: Reps. Bonnie Packard, Hills/19; Mercer, Hills/27; Rodgers, Hills/23; Syracuse, Rock/33.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 7

The committee of conference to which was referred Senate Bill 7, An Act changing the bonding requirement for mortgage brokers having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 397-A:5, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Each applicant shall be required to submit to the banking department detailed financial information sufficient for the bank commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. At a minimum, each *mortgage banker* applicant must demonstrate a net worth of \$100,000 or shall post surety or insurance in said amount as determined by rules adopted by the bank commissioner. *At a minimum, each mortgage broker, or any person not funding a loan, shall provide a surety bond in the amount of \$20,000 to the bank commissioner.*

AMENDED ANALYSIS

Currently, an applicant for a mortgage broker's or mortgage banker's license must demonstrate a net worth of \$100,000 or post surety or insurance in that amount with the banking department. This bill requires that an applicant for a mortgage broker's license must, at a minimum, post a surety bond in the amount of \$20,000.

Conferees: Sens. Fraser, Dist/4; Disnard, Dist/8; Lamirande, Dist/1.

Conferees: Reps. Lindblade, Sull/7; Hunt, Ches/10; Beverly Gage, Rock/26; Fuller Clark, Rock/31.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 26

The committee of conference to which was referred Senate Bill 26, An Act relative to contracts between public adjusters and insureds having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

The the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Podles, Dist/16; Fraser, Dist/4; Cohen, Dist/24.

Conferees: Reps. Beverly Gage, Rock/26; Lindblade, Sull/7; Wells, Hills/16; Fuller Clark, Rock/31.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 65

The committee of conference to which was referred Senate Bill 65, An Act requiring health care providers to disclose an ownership interest in any entity to which they refer patients having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 125:25-c, II as inserted by section 2 of the bill by replacing it with the following:

II. Any entity in which a health care practitioner has an ownership interest shall report quarterly to the division the total number of referrals that such entity has received, and the total number of referrals by each individual provider, who shall be identified by name, having an ownership interest in such entity.

Amend RSA 125:25-c, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. Failure to report such ownership interest may result in the suspension of one's professional license or registration. Failure to report the number of referrals to such entities may also result in a fine of \$25 per day until such report is received. Failure to report the number of referrals received by an entity may result in a fine of \$25 per day until such report is received. The division shall assess and collect such fines under rules adopted by the director of the division under RSA 541-A. The division shall refer complaints of violation of this subdivision to the appropriate licensing or registration board for disciplinary action.

Conferees: Sens. John King, Dist/18; Colantuono, Dist/14; McLane, Dist/15.

Conferees: Reps. Hunt, Ches/10; Mercer, Hills/27; Yennaco, Rock/27; Newland, Merr/15.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 87

The committee of conference to which was referred Senate Bill 87, An Act relative to capital investment, venture capital, capital access and the business finance authority and capital formation; and relative to ambulatory care clinics having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The general court in 1992, 262, codified as RSA 162-A, continued, expanded and modified the existing structure and powers of the industrial development authority, including renaming the agency the business finance authority, to empower the agency to implement more directly and with state resources economic development and credit enhancement measures. During the implementation of the new law, several modifications and amendments have become necessary to better and more fully implement the provisions of RSA 162-A. The general court finds that such modifications and amendments are integral parts of the original legislation and advance and serve a public purpose. The general court also finds that state public policy can enhance local capital markets to the advantage of commerce and industry. Therefore, the general court adopts this act to increase the supply of capital and credit for the operation and expansion of commerce and industry in New Hampshire.

Amend the bill by replacing all after section 19 with the following:

20 New Section; Designation of Eligible Lender for Federal Guaranteed Student Loans. Amend RSA 195-E by inserting after section 15 the following new section:

195-E:15-a Designation of Eligible Lender for Federally Guaranteed Student Loans. N.H. Higher Education Loan Corporation, a New Hampshire voluntary, nonprofit corporation, is hereby designated as "eligible lender" within the meaning of 20 U.S.C. section 1085(d)(1)(D), to enable it to provide a secondary market for federally guaranteed student loans.

21 Effective Date. This act shall take effect upon its passage.

Amend the bill by deleting section 14 and renumbering the original sections 15-21 to read as 14-20, respectively.

AMENDED ANALYSIS

This bill:

(1) Clarifies the duties and activities of the business finance authority. Specifically, the bill makes it clear that the authority may make loans and that the state guarantee includes collection expenses and costs related to any loan. The bill also increases the ceiling on state guaranteed loans from \$20,000,000 to \$40,000,000.

(2) Allows ambulatory care clinics to be participating institutions under the law relative to the New Hampshire higher educational and health facilities authority, and adds ambulatory care clinics to the facilities covered under the laws relative to the higher educational building corporation.

(3) Enables the N.H. Higher Education Loan Corporation to act as a secondary market for federally guaranteed student loans.

Conferees: Sens. Wayne King, Dist/2; Fraser, Dist/4; Shaheen, Dist/21.

Conferees: Reps. Klemm, Rock/28; B. Johnson, Rock/17; Kurk, Hills/5; Burling, Sull/1.
Reps. Klemm and Burling spoke in favor and yielded to questions.

(Note: The Chair ruled that Section 20 was non-germane thus violating House Rule 49(b))
Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 94

The committee of conference to which was referred Senate Bill 94, An Act relative to workforce development, making an appropriation to the department of postsecondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 188-F:53 as inserted by section 9 of the bill by inserting after paragraph III the following new paragraph:

IV. The department shall be authorized to use no more than 10 percent or \$70,000 of any appropriation under this subdivision, whichever is less, to administer this program.

Amend the bill by replacing all after section 9 with the following:

10 Appropriation. The sum of \$1 for the biennium ending June 30, 1995, is hereby appropriated to the department of postsecondary technical education, for the purpose of funding the training for economic growth program under RSA 188-F:48-55. The sum hereby appropriated shall be in addition to other funds appropriated to the department of postsecondary technical education. The governor is authorized to draw his warrant for said sum out of any money not otherwise appropriated.

11 Study Committee Established.

I. There is established a study committee to assess the impact of reduced military production on the state's economy. The committee shall also explore ways to convert productive capacity devoted to defense contracts and subcontracts to civilian production.

II. The committee shall recommend a state economic plan which shall establish a state policy providing for the orderly economic growth of businesses which have been dependent on military contracts. The economic plan shall include an analysis of these businesses' economic condition and needs, and a statement of specific goals and objectives.

12 Members.

I. The study committee established in section 11 of this act shall consist of the following members:

- (a) Two senators, appointed by the senate president.
- (b) Two house members, appointed by the speaker of the house.

II. The committee on an advisory basis shall consult with, among others:

- (a) The governor or designee.
- (b) The commissioner of the department of resources and economic development or designee.
- (c) A representative of the U.S. Small Business Administration.
- (d) A representative of the Business and Industry Association of New Hampshire who has experience in the area of military and government contracts and economic development.
- (e) A representative of the New Hampshire Association of Commerce and Industry who has experience in the area of military and government contracts and economic development.
- (f) A representative of the New Hampshire International Trade Association with experience in the area of international trade.
- (g) A representative of the New Hampshire Bankers Association with experience in the area of economic development.
- (h) The director of the Pease development authority, or designee.
- (i) The director of the New Hampshire Small Business Development Center or designee.
- (j) A representative of the U.S. Department of Commerce.

(k) A representative of the academic community.

(l) A representative of organized labor.

13 Report. The committee shall transmit a report of its findings and recommendations for the economic plan to the governor and council, the speaker of the house, and the senate president by November 1, 1993.

14 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adopts a policy for the state of New Hampshire to ensure the optimal development of the human resources required for a more productive labor force.

This bill appropriates funds to the department of postsecondary technical education to support establishing an office and providing a part-time local coordinator to administer a satellite program in Haverhill affiliated with the Berlin technical college. This program will serve as a pilot education and economic development project for other underserved areas of the state.

This bill establishes a job training program designed to enhance economic growth in the state and makes an appropriation for that purpose. It also sets up a grant review committee to oversee the training grant process.

This bill also establishes a study committee to assess the impact of reduced military production on the state's economy. The committee is to also explore ways to convert productive capacity on defense contracts and subcontracts to civilian production.

Conferees: Sens. Wayne King, Dist/2; Barnes, Dist/17; Pignatelli, Dist/13.

Conferees: Reps. Peyron, Sull/4; Trelfa, Graf/2; Groves, Rock/22; Holbrook, Belk/7.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 95

The committee of conference to which was referred Senate Bill 95, An Act revising, conditioning, or repealing the rulemaking authority of the state board of education having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 5 and renumbering sections 6-18 to read as 5-17, respectively:

Conferees: Sens. Disnard, Dist/8; Hollingworth, Dist/23; McLane, Dist/15.

Conferees: Reps. Skinner, Rock/27; Larson, Graf/8; Carter, Merr/7; Guest, Graf/10

Rep. Skinner yielded to questions.

Adopted.

Rep. Lockwood notified the Clerk that he wished to be recorded in opposition to the Committee of Conference Report.

COMMITTEE OF CONFERENCE REPORT ON SB 133

The committee of conference to which was referred Senate Bill 133, An Act relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Colantuono, Dist/14; John King, Dist/18; Blaisdell, Dist/10.

Conferees: Reps. Dowd, Rock/13; McRae, Hills/7; Dyer, Hills/8; Groves, Rock/22.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 141-FN-A

The committee of conference to which was referred Senate Bill 141-FN-A, An Act removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing paragraph I of section 1 with the following:

I. The general court recognizes that under the provisions of 1991, 351:27, I the authority to operate the lakes region department of corrections facility terminates on July 1, 1998. In view of the deadline the general court finds that in order to make the most informed decision regarding the use of this property for correctional purposes, it is necessary to conduct a comprehensive study to identify the long-term needs of the department of corrections for its facilities.

Amend section 2 of the bill by inserting after paragraph IV the following:

V. If the consultant's study recommends that authority to operate the lakes region department of corrections facility should not be extended beyond July 1, 1998, no additional prisoners shall be transferred or sentenced to the lakes region facility after January 1, 1998.

Amend the bill by replacing paragraph I of section 6 with the following:

I. The sum of \$100,000 is hereby appropriated for the biennium ending June 30, 1995, to the joint corrections study committee established in section 3 of this act. Upon completion of the study any remaining balance shall be transferred to the department of resources and economic development for the planning and development of governors state park. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Conferees: Sens. John King, Dist/10; Fraser, Dist/4; Baldizar, Dist/12.

Conferees: Reps. Donna Sytek, Rock/26; Vivian Clark, Rock/15; Franklin Torr, Straf/12; Knowles, Straf/11.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 147

The committee of conference to which was referred Senate Bill 147, An Act requiring the legislative budget assistant to study the state restricted and dedicated funds having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Fraser, Dist/4; Hollingworth, Dist/23; Blaisdell, Dist/10.

Conferees: Reps. Holbrook, Belk/7; Robert Wheeler, Hills/7; Robert Johnson, Rock/1; D. Cote, Hills/29.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 158

The committee of conference to which was referred Senate Bill 158, An Act relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund, creating a bi-state commission for economic security and allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 126-A:95 as inserted by section 2 of the bill by replacing it with the following:

126-A:95 Delegation of Local Administration. The division may enter into written agreements or contracts with one or more agencies or organizations to provide for the administration and application of the guarantee program established under this subdivision. Such agreements shall specifically require the provision of coordinated services necessary to assure the success of this program, including such services as financial counseling, referrals to assistance agencies and organizations, and performance or payment monitoring and adjustments and may specifically require issuance of guarantee certificates, collection of periodic payments from tenants, redemption of certificates, and payments of tenants and landlords.

Amend RSA 126-A:97, II as inserted by section 2 of the bill by replacing it with the following:

II. After receipt by the local housing security provider of the materials required under paragraph I, the local housing security provider shall have 30 days to issue a notice of approval, proposed adjustment or rejection, stating with specificity its grounds for such adjustment or refusal. Upon approval of a request for redemption, the local housing security provider shall notify the division of such approval and the division shall have 30 days to redeem the certificate of guarantee.

Conferees: Sens. Barnes, Dist/17; Wayne King, Dist/2; Shaheen, Dist/21.

Conferees: Reps. Beverly Gage, Rock/26; Lindblade, Sull/7; Dowling, Rock/13; Crory, Graf/10.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 159

The committee of conference to which was referred Senate Bill 159, An Act relative to technological development, relative to inventor assistance and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Subparagraph; Member Added. Amend RSA 187-A:32, I by inserting after subparagraph (g) the following new subparagraph:

(h) One faculty member from Franklin Pierce Law Center's intellectual property, science and technology program, appointed by the law center.

AMENDED ANALYSIS

This bill adopts a policy for the state of New Hampshire to further partnerships between public educational institutions and private commercial enterprises to aid technological development.

This bill establishes an inventor assistance program to provide assistance to inventors. Under this bill, inventors would submit a proposal together with a reasonable fee to the industrial research center at the university of New Hampshire at Durham. If the proposal is accepted, the center could offer certain services to the inventor.

The bill establishes a fund to be administered by the administrative head of the industrial research center. The bill makes an appropriation for the startup costs of the program.

The bill adds a member to the oversight committee on the center for Industrial Technology Research and Innovation.

Conferees: Sens. Wayne King, Dist/2; Cohen, Dist/24; Fraser, Dist/4.

Conferees: Reps. Trelfa, Graf/2; Peyron, Sull/4; Kurk, Hills/5; Burling, Sull/1.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 164-FN

The committee of conference to which was referred Senate Bill 164-FN, An Act relative to the OHRV fund having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. MacDonald, Dist/3; Wayne King, Dist/2; Cohen, Dist/24.

Conferees: Reps. Klemarczyk, Rock/20; Adams, Graf/14; Gerald Merrill, Coos/1; Turgeon, Hills/47

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 170-FN-A-LOCAL

The committee of conference to which was referred Senate Bill 170-FN-A-LOCAL, An Act relative to the distribution of meals and rooms tax revenue having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 3 and renumbering sections 4 and 5 to read as 3 and 4 respectively.

Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect July 1, 1994.

AMENDED ANALYSIS

This bill changes the way revenue from the meals and rooms tax is distributed to cities and towns beginning in 1995. Sixty percent of the revenue is deposited into the general fund, and 40 percent is returned to cities and towns based on population.

Special provision is made for the distributions in fiscal years 1995 and 1996, specifying certain amounts which go into the general fund, and to cities and towns. For fiscal year 1997 and each year thereafter, the amount to be distributed will be equal to the prior year's distribution plus \$5,000,000, until such time as the total amount distributed annually is equal to the 40 percent amount returned to cities and towns based on population.

The bill establishes a minimum annual amount to be appropriated for revenue distribution to cities and towns of \$47,300,000.

Conferees: Sens. John King, Dist/18; Blaisdell, Dist/10; Hough, Dist/5.

Conferees: Reps. Gross, Merr/18; Cowenhoven, Hills/14; Robert Johnson, Rock/1; O'Rourke, Hills/39.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 172-FN

The committee of conference to which was referred Senate Bill 172-FN, An Act making structural changes within the department of corrections having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Salaries. Amend RSA 94:1-a, I by:

I. Deleting in:

- (a) Group K, director of administration, department of corrections.
- (b) Group L, unit director (non-medical), secure psychiatric unit.
- (c) Group R, unit director (medical), secure psychiatric unit.

II. Inserting in:

- (a) Group M, director of administration, department of corrections.
- (b) Group M, superintendent, lakes region facility, department of corrections.
- (c) Group N, non-medical director, division of medical and psychiatric services, department of corrections.
- (d) Group R, medical director, division of medical and psychiatric services, department of corrections.

Amend the bill by replacing section 7 with the following:

7 Review and Update of Unclassified Positions Study. The legislative budget assistant shall review and update the unclassified positions salary allocation study completed by the personnel system task force and Peat Marwick pursuant to 1986, 12:2. The legislative budget assistant shall submit a review and update to the house and senate appropriations committees, the house and senate executive departments and administration committees and the fiscal committee by

October 1, 1993. Upon receipt of the review and update, the fiscal committee is authorized to implement the recommendations of the Peat Marwick study for the positions of commissioner of the department of corrections and warden of the state prison. The house and senate appropriations committees and the house and senate executive departments and administration committees shall recommend legislation for the 1994 legislative session relative to unclassified positions salary allocation.

Conferees: Sens. John King, Dist/18; Barnes, Dist/17; Blaisdell, Dist/10.

Conferees: Reps. Donna Sytek, Rock/26; Kathleen Ward, Graf/1; Robert Wheeler, Straf/8; Gorman, Rock/8.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 182-FN-LOCAL

The committee of conference to which was referred Senate Bill 182-FN-LOCAL, An Act requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect April 1, 1993.

AMENDED ANALYSIS

This bill requires tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder.

Conferees: Sens. Lovejoy, Dist/6; Fraser, Dist/4; John King, Dist/18.

Conferees: Reps. Wadsworth, Graf/14; Rice, Belk/7; Cepaitis, Hills/33; Gervais, Hills/45.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 191-FN

The committee of conference to which was referred Senate Bill 191-FN, An Act relative to the New Hampshire real estate practice act having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 331-A:14 as inserted by section 1 of the bill by replacing it with the following:

331-A:14 Bonds. No broker's license shall be issued or renewed until the applicant gives to the commission a surety bond in the form approved by the commission in a sum of not less than \$25,000, executed by the applicant and by a surety company authorized to do business in this state. The bond shall be payable to the state of New Hampshire, for the benefit of any person aggrieved, and shall be conditioned upon the faithful accounting by the broker for all funds entrusted to the broker in the broker's capacity as a licensed real estate broker. Any person so aggrieved may bring suit on the bond in his own name; provided, however, that the aggregate liability of the surety to all persons shall, in no event, exceed the sum of such bond. The commission may revoke the license of any broker whenever the bond filed by the broker ceases to be in full force and effect.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. RSA 331-A:14 as inserted by section 1 of this act shall take effect July 1, 1994.

II. The remainder of this act shall take effect January 1, 1994.

Conferees: Sens. Wayne King, Dist/2; Lovejoy, Dist/6; John King, Dist/18.

Conferees: Reps. Hunt, Ches/10, Richard Hill, Graf/1, Beaulieu, Rock/10, Loder, Straf/8.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 196

The committee of conference to which was referred Senate Bill 196, An Act relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefore having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Shaheen, Dist/21; Cohen, Dist/24; Barnes, Dist/17.

Conferees: Reps. Simon, Rock/17; Beach, Carr/7; Kurk, Hills/5; William McCann, Straf/11.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 197-FN

The committee of conference to which was referred Senate Bill 197-FN, An Act implementing Title V of the Clean Air Act having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by deleting section 4 and renumbering the original sections 5-16 to read as 4-15, respectively.

Conferees: Sens. Russman, Dist/19; Cohen, Dist/24; Hollingworth, Dist/23.

Conferees: Reps. Jeb Bradley, Carr/8; Messier, Hills/46; Schotanus, Sull/3; A. Merrill, Straf/8.

Rep. Kurk spoke against.

Rep. Jeb Bradley spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee of Conference Report.

YEAS 249

NAYS 71

**YEAS 249
BELKNAP**

Bartlett, Gordon
Hauck, William
Rosen, Ralph

Cain, Thomas
Hawkins, Robert
Smith, Linda

Campbell, Richard, Jr.
Holbrook, Robert
Turner, Robert

Golden, Paul
Lafam, Robert
Ziegra, Alice

CARROLL

Beach, Mildred
Lyman, L. Randy

Bradley, Jeb
Philbrick, Donald

Chandler, Gene
Saunders, Howard

Cogswell, Richard
Wiggin, Allen

CHESHIRE

Avery, Stephen
Cole, Stacey
Hunt, John
McGuirk, Paul
Richardson, Barbara

Bonneau, Sarah
DePecol, Benjamin
Kingsbury, H. Thayer
McNamara, Wanda
Riley, William

Burnham, Daniel
Delano, Robert
Lynch, Margaret
Metzger, Katherine
Robertson, Timothy

Champagne, Richard
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Royce, H. Charles

COOS

Bradley, Paula
Hawkinson, Marie
Wiswell, James

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Channing

Bean, Pamela
Brown, Patricia

Below, Clifton
Copenhaver, Marion

Brown, Alson
Crory, Elizabeth

Guest, Robert
McIlwaine, Deborah
Trelfa, Richard

Hill, Richard
Nordgren, Sharon
Wadsworth, Karen

LaMott, Paul
Scanlan, David
Ward, Kathleen

Larson, Nils, Jr.
Teschner, Douglass

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bagley, Amy
Buckley, Raymond
Clemons, Jane
Daigle, Robert
Dwyer, Patricia
Foster, Linda
Gosselin, Gerald
Holley, Sylvia
Kelley, Dana
Laughlin, J. Francis
McCarty, Winston
Milligan, Robert
Morrissette, Roland
Packard, Bonnie
Reidy, Frank
Smart, John
Turgeon, Roland
White, John

Ahem, Richard
Arnold, Barbara
Bergeron, Lucien
Calawa, Leon, Jr.
Cote, David
Drabinowicz, A. Theresa
Dyer, Merton
Gage, Ruth
Hall, Betty
Jasper, Shawn
Kelley, Robert
Lessard, Rudy
McNerney, Daniel
Mittelman, David
Murphy, Robert
Paquette, Rodolphe
Sallada, Roland
Smith, Leonard
Vanderlosk, Stanley

Ahrens, Frederick
Arnold, Thomas, Jr.
Bergeron, Normand
Cepaitis, Elizabeth
Cowenhoven, Garret
Drolet, Paul
Dykstra, Leona
Gagnon, Eugene
Hanselman, Gregory
Jean, Claudette
Kirby, Thomas
Lown, Elizabeth
Mercer, Robert
Moore, Elizabeth
Nardi, Theodora
Philbrook, Paula
Sargent, Maxwell
Soucy, Donna
Wells, Peter, Sr.

Allen, W. Gordon
Asselin, Robert
Bowers, Dorothy
Chabot, Robert
Crotty, Edward
Durham, Susan
Fields, Dennis
Gervais, Glen
Healy, Daniel
Johnson, Lionel
L'Heureux, Robert
Lozeau, Donnalée
Messier, Irene
Morello, Michael
O'Rourke, Joanne
Plourde, Alphonse
Searles, Stanley, Sr.
Toomey, Kathryn
Wheeler, Robert

MERRIMACK

Apple, Lowell
Chandler, Earle
Feuerstein, Martin
Hill, Michael
Lockwood, Robert
Trombly, Rick
Whalley, Michael

Braiterman, Thea
Chandler, John
French, Barbara
Johnson, C. William
Moore, Carol
Wallner, Mary Jane
Yeaton, Charles

Buessing, Marjorie
Daneault, Gabriel
Gross, Caroline
Johnson, Joyce May
Newland, Matthew
Ward, Jay

Carter, Susan
Dunn, Miriam
Hall, Douglas
Kidder, William
Owen, Derek
Weeks, John, Jr.

ROCKINGHAM

Arndt, Janet
Campbell, Marilyn
Coes, Betsy
DiPietro, Carmela
Felch, Charles, Sr.
Hurst, Sharleene
Klemm, Arthur, Jr.
Miller, Don
Raynowska, Bernard
Senter, Marilyn
St. Martin, Tommy
Vaughn, Charles

Battles, Marjorie
Chester, Sherman
Conroy, Janet
Dowd, Sandra
Flanagan, Natalie
Johnson, Robert
Kruse, Fred
O'Keefe, Patricia
Ritzo, Eugene
Simon, Peter
Stone, Joseph
Woods, Deborah

Bell, Juanita
Clark, Martha
Cote, Patricia
Drake, Herbert
Gage, Beverly
Kane, Cecelia
Lee, Rebecca
Pantelakos, Laura
Rosencrantz, James
Skinner, Patricia
Syracusa, Anthony
Yennaco, Carol

Boucher, William
Clark, Vivian
Crossman, Harold, Jr.
Dube, LeRoy
Gorman, Donald
Klemarczyk, Thaddeus
Lovejoy, Marian
Pratt, Katharin
Schanda, Joseph, Sr.
Splaine, James
Sytek, Donna

STRAFFORD

Callaghan, Frank
Hilliard, Dana
Loder, Suzanne
Musler, George
Pelletier, Arthur
Torr, Ann
Wheeler, Katherine

Douglass, Clyde
Keans, Sandra
McGrath, J. Gregory
Nehring, William
Rogers, Rose Marie
Torr, Franklin

Hambrick, Patricia
Kincaid, William
Merrill, Amanda
O'Brien, John
Snyder, Clair
Wall, Janet

Hemon, Roland
Knowles, William
Merritt, Deborah
Pageotte, Donald
Sullivan, Henry
Wasson, Richard

SULLIVAN

Allison, David
Palmer, Lorraine

Domini, Irene
Schotanus, Merle

Kane, Joan

Lindblade, Eric

**NAYS 71
BELKNAP**

Johnson, Carl

Rice, Thomas, Jr.

CARROLL

Dickinson, Howard, Jr.

Foster, Robert

Mock, Henry

Wiggin, Gordon

CHESHIRE

None

COOS

Merrill, Gerald

GRAFTON

Driscoll, William

Eaton, Stephanie

Ham, Bonnie

Rose, William

HILLSBOROUGH

Andrews, Frederick
Domaingue, Jacquelyn
Hart, Nick
Lachut, Ervin
Pepino, Leo
Rothhaus, Finlay

Burke, M. Virginia
Eliades, George
Hunter, Bruce
Lefebvre, Roland
Perkins, Paul
Tate, Joan

Daniels, Gary
Fenton, James
Jean, Loren
Martin, Mary Ellen
Rheault, Lillian
Upton, Barbara

Dodge, Emma
Ferguson, Charles
Kurk, Neal
McRae, Karen
Rodgers, G. Philip
Weergang, Alida

MERRIMACK

Barberia, Richard
Kennedy, Richard
Teague, Bert

Fillion, Paul
Langer, Ray
Whitemore, James

Holmes, Mary
Nichols, Avis
Willis, Jack

Houlahan, Thomas
Stapleton, Henry

ROCKINGHAM

Aranda, M. Kathryn
Cote, Charles
Malcolm, Kenneth
Pullman, Robert
Sytek, John

Beaulieu, Jon
Fesh, Robert
McKinney, Betsy
Putnam, Ed, II
Warburton, Calvin

Blake, Daniel
Flanders, David
Noyes, Richard
Rubin, George
Welch, David

Bove, Martin
Katsakiores, Phyllis
Packard, Sherman
Smith, Arthur
Williamson, William

STRAFFORD

Brown, Julie

Chagnon, Ronald

McKinley, Robert

Vincent, Francis

SULLIVAN

Rodeschin, Beverly

and the Committee of Conference Report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 218-FN

The committee of conference to which was referred Senate Bill 218-FN, An Act relative to the child protection act having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 20 and 21 with the following:

20 Appointments; Mileage. Appointments of all members of the committee shall be made within 30 days after the effective date of this act. The members of this committee shall serve

without compensation, except that members appointed from the legislature shall receive compensation for mileage at the usual legislative rate. The governor shall appoint a chairperson.

21 Meetings. The first meeting of this committee shall be called within 60 days after the effective date of this act by the chairperson of the committee. Meeting dates and places shall be set at the discretion of the chairperson.

Conferees: Sens. Shaheen, Dist/21; McLane, Dist/15; Hollingworth, Dist/23.

Conferees: Reps. Holden, Hills/14; McNamara, Ches/3; Woods, Rock/25; I. Pratt, Ches/5.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 220-FN-LOCAL

The committee of conference to which was referred Senate Bill 220-FN-LOCAL, An Act relative to criminal history checks for school personnel and applicants having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Podles, Dist/16; John King, Dist/18; Colantuono, Dist/14.

Conferees: Reps. Searles, Hills/23; Patricia Brown, Graf/11; Franks, Hills/26; J. White, Hills/46.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 239-FN-LOCAL

The committee of conference to which was referred House Bill 239-FN-LOCAL, An Act relative to the public utilities commission having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Russman, Dist/19; John King, Dist/8; Bourque, Dist/20.

Conferees: Reps. Rodeschin, Sull/4; McRae, hills/7; Foss, Coos/1; Below, Graf/13.

Adopted.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 131, repealing a penalty provision regarding anabolic steroids. (Report printed SJ 22, 6/8/93)

Adopted.

HB 140, establishing a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling. (Report printed SJ 22, 6/8/93)

Adopted.

HB 147-FN-A, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor. (Report printed SJ 22, 6/8/93)

Adopted.

HB 172-FN, relative to the oil discharge and disposal cleanup fund. (Report printed SJ 22, 6/8/93)

Adopted.

HB 173-FN, making the police standards and training council responsible for certification of correction officers and redefining the term "permanent policeman" to include "state corrections officers" for the purposes of the retirement system and relative to the payment of medical benefits to certain group II retirement system members. (Report printed SJ 22, 6/8/93)

Adopted.

HB 179-FN, allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program. (Report printed SJ 22, 6/8/93)

Adopted.

HB 218-FN-A-L, relative to the driver training fund. (Report printed SJ 22, 6/8/93)

Adopted.

HB 232, permitting the checking of traps at night subject to certain restrictions. (Report printed SJ 22, 6/8/93)

Rep. Coulombe spoke in favor.

Rep. Ferguson spoke against.

(Note: The Chair ruled that Section 5 was non-germane thus violating House Rule 49(b))

On a division vote, 193 members having voted in the affirmative and 108 in the negative, the Committee of Conference report failed, lacking the necessary two-thirds.

HB 243, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level. (Report printed SJ 22, 6/8/93)

Adopted.

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure. (Report printed SJ 22, 6/8/93)

Adopted.

HB 356-L, relative to legal disputes between the state and political subdivisions of the state regarding Article 28-a violations. (Report printed SJ 22, 6/8/93)

Adopted.

HB 358, allowing the creation of or participation in professional corporations by physician assistants. (Report printed SJ 22, 6/8/93)

Adopted.

HB 399, removing a certain portion of the blue laws regarding Sunday business activity and relative to certain police regulations. (Report printed SJ 22, 6/8/93)

Adopted.

HB 435-FN, relative to an alternate state contribution for surface water treatment systems. (Report printed SJ 22, 6/8/93)

Adopted.

HB 454-FN, removing the requirement that courts approve temporary transfers of county prisoners. (Report printed SJ 22, 6/8/93)

Adopted.

HB 456-FN, modifying the bail statutes relative to persons arrested for violating certain protective orders. (Report printed SJ 22, 6/8/93)

Adopted.

HB 464-FN-A, recognizing merchant marines who served in World War II as World War II veterans. (Report printed SJ 22, 6/8/93)

Adopted.

HB 469-A, allowing the state treasurer to issue bonds to pay for debt issuance costs. (Report printed SJ 22, 6/8/93)

Adopted.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users. (Report printed SJ 22, 6/8/93)

Adopted.

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities. (Report printed SJ 22, 6/8/93)

Adopted.

HB 592-FN-A, establishing a committee to study the state's economic development activities. (Report printed SJ 22, 6/8/93)

Adopted.

HB 602-FN, relative to claiming assets which have escheated to the state. (Report printed SJ 22, 6/8/93)

Adopted.

HB 606-FN, authorizing employers subject to the workers' compensation law to establish managed care programs. (Report printed SJ 22, 6/8/93)

Adopted.

HB 663-FN, making technical corrections to the securities laws and repealing 2 obsolete provisions regarding corporate stock. (Report printed SJ 22, 6/8/93)

Adopted.

HB 672-FN-A-L, establishing a healthy kids corporation and making an appropriation therefor and continually appropriating a special fund. (Report printed SJ 22, 6/8/93)
Adopted.

HB 151-FN, permitting the department of fish and game to issue a special deer license to certain licensees, authorizing the executive director to determine the number of deer taken by an archery licensee, and relative to deer tags. (Report printed SJ 22, 6/8/93)
Adopted.

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas. (Report printed SJ 22, 6/8/93)
Adopted.

HB 427-FN, relative to the cost of living increases in the AFDC payment standard. (Report printed SJ 22, 6/8/93)
Adopted.

HB 481, enabling municipalities to enact noise ordinances. (Report printed SJ 22, 6/8/93)
Adopted.

HB 483-FN-L, relative to the licensing of dogs. (Report printed SJ 22, 6/8/93)
Adopted.

HB 548, providing staggered terms for county commissioners in Carroll county. (Report printed SJ 22, 6/8/93)
Adopted.

CONFERENCE COMMITTEE DISCHARGED; REQUESTS NEW CONFERENCE

Rep. Gross moved that the House discharge the committee of conference on **HB 232**, permitting the checking of traps at night subject to certain restrictions, (Report printed SJ 22, 6/8/93) and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Douglass, Felch, Linda Smith and Coulombe.

ACCEDES TO REQUEST FOR NEW COMMITTEE OF CONFERENCE

HB 232, permitting the checking of traps at night subject to certain restrictions.

The President appointed Sens. Cohen, Blaisdell and Wheeler.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, June 17, 1993 at 1:00 p.m.

Adopted.

Rep. Gross moved that the House stand in recess for the purpose of Senate Messages and Enrolling Reports only.

Adopted.

The House recessed at 11:30 a.m.

RECESS

(Rep. Felch in the Chair)

ENROLLED BILLS REPORT

HB 119, relative to the administration and enforcement of the pesticides statutes.

HB 150, prohibiting hunting, fishing and trapping by a person who is in default with any judicial system in the state.

HB 262, providing a 5 percent cost of living adjustment for teacher members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members.

HB 437, establishing a program requiring parents involved with child custody or support issues to participate in certain seminars and making an appropriation therefor.

HB 450, appropriating matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord.

HB 605, changing the percentage of a municipality's share for local bridge improvement.

SB 12, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages; adding a new fee for certain wine and liquor vendors; and relative to contracts by liquor and wine representatives and sanctions by the liquor commission against competitors.

SB 17, establishing a committee to study methods of preventing and resolving disputes relative to educationally disabled students.

SB 67, relative to wage assignment for child support.

SB 160, relative to qualifications for unemployment benefits.

SB 169, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation review required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor.

SB 224, relative to the statewide education improvement and assessment program.

Sen. Currier, Rep. Dunn for the Committee

CONFEREE CHANGE

HB 25-A, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. Rep. Buckley replaced Rep. Katherine Rogers.

Rep. Kennedy moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 32

Thursday, June 17, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

INTRODUCTION OF GUESTS

Denis L'Homme, Deputy Minister of Energy for the Government of Quebec and Laurent Cardinal, member of the Quebec Delegation of Boston, guests of the House.

ENROLLED BILLS AMENDMENTS

HB 136-FN-L, pertaining to the authority and operation of the public utilities commission.

Amendment (3107B)

Amend RSA 378:28 as inserted by section 4 of the bill by replacing it with the following:
378:28 Permanent Rates. So far as possible, the provisions of RSA 378:27 shall be applied by the commission in fixing and determining permanent rates, as well as temporary rates. The commission shall not include in permanent rates any return on any plant, equipment, or capital improvement which has not first been found by the commission to be prudent, used, and useful. Nothing contained in this section shall preclude the commission from receiving and considering any evidence which may be pertinent and material to the determination of a just and reasonable rate base and a just and reasonable rate of return thereon. *The commission may adopt rules applicable to the recovery of rate case expenses under RSA 541-A.*

Adopted.

HB 173-FN, relative to certification of corrections officers; redefining the term "permanent policeman" to include "state corrections officers" for retirement system purposes; the payment of medical benefits to certain group II retirement system members; and the supervision fee for probationers and parolees.

Amendment (3112B)

Amend RSA 188-F:26 as inserted by section 4 of the bill by inserting after paragraph VI the following:

VI-a. Offer the educational material and, as appropriate, training relative to the human immunodeficiency virus and related issues prepared and developed pursuant to RSA 141-F:3, II.

Adopted.

HB 227, relative to enforcement of parking violations.

Amendment (3086B)

Amend RSA 261:60, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. In the prosecution of any offense under this title, or of

Adopted.

HB 258-FN, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers.

Amendment (3100B)

Amend section 7 of the bill by replacing line 1 with the following:

7 Contingency. Sections 5 and 6 of this act shall take effect on the date

Amend section 8 of the bill by replacing paragraph I with the following:

I. Sections 5 and 6 of this act shall take effect as provided in section 7.

Adopted.

HB 417-FN, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members.

Amendment (3095B)

Amend the bill by replacing all after section 3 with the following:

4 Granting of Supplemental Allowances. RSA 100-A:41-a, II(b) is repealed and reenacted to read as follows:

(b) No supplemental allowance shall be granted or increased if such grant or increase would reduce the funds in the respective component of the special account to an amount less than zero.

5 Contingency. If HB 262-FN of the 1993 regular session becomes law, section 1 of this act shall not take effect and section 4 of this act shall take effect June 30, 1993, at 12:01 a.m. If HB 262-FN of the 1993 regular session does not become law, section 1 of this act shall take effect June 30, 1993, and section 4 of this act shall not take effect.

6 Effective Date.

I. Sections 1 and 4 of this act shall take effect as provided in section 5.

II. The remainder of this act shall take effect June 30, 1993.

Adopted.

HB 615-FN-L, recodifying the municipal budget law.

Amendment (3098B)

Amend RSA 32:2 as inserted by section 1 of the bill by replacing line 5 with the following: RSA 32:14-23, concerning budget committees, shall apply only in those towns
Adopted.

HB 435-FN, relative to an alternate state contribution for surface water treatment systems.

Amendment (3140B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an alternate state contribution for surface water treatment systems and making an appropriation therefor.

Adopted.

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities.

Amend the title of the bill by replacing it with the following:

AN ACT

relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities and making technical corrections to certain provisions of the DWI and implied consent laws.

Amend the bill by replacing section 9 with the following:

9 Implied Consent Not Applicable in Motor Vehicle Fatalities. Amend RSA 265:84 to read as follows:

265:84 Implied Consent of Driver of Motor Vehicle to Submit to Testing to Determine Alcohol Concentration. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether he is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug content of his blood or his alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of [0.10] *0.08* or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of [0.10] *0.08* or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the per-

son tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265:93, the prerequisites of RSA 265:87 shall not apply.

10 Provision of HB 137 Nullified. 1993, 48:9, relative to an amendment to RSA 265:84 regarding alcohol concentration levels, shall not take effect.

11 Effective Date.

I. Section 4 of this act shall take effect January 1, 1994, at 12:01 a.m.

II. Sections 3 and 5-9 of this act shall take effect January 1, 1994.

III. The remainder of this act shall take effect upon its passage.

Adopted.

HB 633, repealing inactive study committees and extending the reporting date for certain study committees.

Amendment (3106B)

Amend the bill by replacing all after section 1 with the following:

2 Date Extended for Committee to Clarify Relationship between Town Legislative Bodies and Governing Bodies. Amend 1992, 152:3, II to read as follows:

II. The committee shall report its findings along with its recommendations for legislation on or before November 1, [1992] **1993**, to the senate president and the speaker of the house.

3 Date Extended for Committee on In-Home Services Pilot Program. Amend 1992, 276:4 to read as follows:

276:4 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the [1993] **1994** legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, [1992] **1993**.

4 Date Extended for Alternate Transportation Study Advisory Committee. Amend 1991, 191:2, V to read as follows:

V. The committee shall submit a report to the governor and council, the president of the senate, and the speaker of the house [in time for preparation of legislation for the 1993] **no later than November 1, 1993, together with any proposed legislation, for the 1994 legislative session**.

5 Former Members to Continue to Serve on Certain Study Committees. To the extent possible, the committee members appointed to the following committees whose reporting dates are extended in 1993, 92:1 and 1993, 96:1 shall continue to serve on their respective committees until November 1, 1993:

I. The committee members appointed to the committee to study head injury cases in New Hampshire pursuant to 1992, 87:1.

II. The committee members appointed to the committee on gender equity in athletics pursuant to 1991, 267:1 as amended by 1992, 84:1.

6 Effective Date.

I. Section 1 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect upon its passage.

Adopted.

HB 653, relative to the practice of optometry.

Amendment (3088B)

Amend RSA 327:6-b as inserted by section 10 of the bill by inserting after paragraph I the following:

[II. The board shall meet not less than once nor more than twice in any calendar year to rule on the advisability of adding to or altering the list of allowed diagnostic pharmaceutical agents as defined in RSA 327:1, I, and as referred by the optometry board. Decisions on such referrals shall be rendered within 45 days of written notice of the referral to the chairman, shall be determined by a simple majority with a quorum of 6 members and shall be binding on the board of optometry.]

Adopted.

HB 663-FN, making technical corrections to the securities laws and to the Business Corporations Act and repealing 2 obsolete provisions regarding corporate stock.

Amendment (3123B)

Amend the title of the bill by replacing it with the following:

AN ACT

making technical corrections to the Business Corporations Act, repealing 2 obsolete provisions regarding corporate stock, and relative to interstate cooperation regarding securities laws.

Adopted.

HB 674-FN, establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study.

Amendment (3094B)

Amend RSA 268:21 as inserted by section 2 of the bill by replacing it line 6 with the following:

governor, adopt rules to require subject vehicles to be annually

Amend section 4 of the bill by replacing lines 1-3 with the following:

4 Date Change. Amend 1988, 221A:6, as amended by 1991, 48:1, to read as follows:

221A:6 Motor Vehicle Emissions Inspection; Termination of Program.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency; HB 258-FN. If HB 258-FN of the 1993 regular session becomes law, RSA 541-A:10, I(o) as inserted by section 3 of the bill shall be renumbered to RSA 541-A:10, I(p).

Adopted.

SB 9, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting article 4A of the uniform commercial code. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 65, requiring health care providers to disclose an ownership interest in any entity to which they refer patients. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 87, relative to capital access and the business finance authority and capital formation; and relative to ambulatory care clinics. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 94, relative to workforce development, making an appropriation to support a pilot satellite program in Haverhill, establishing a job training program, and relative to a site for the Technology Research Park at the Pease International Tradeport. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 95, defining the authority of the state board of education and the department of education. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 106, relative to a northeast interstate dairy compact. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 158, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 168-FN, relative to oil terminal facility registration and small fuel oil facilities. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 170-FN-A-L, relative to the distribution of meals and rooms tax revenue, establishing a minimum annual amount to be appropriated for revenue distribution to cities and towns, and relative to funding the revenue stabilization reserve account. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 182-FN-L, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder; and granting municipalities an option for quarterly billing and collection of property taxes. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 191-FN, relative to the New Hampshire real estate practice act. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 209-FN-A, relative to the children's health plan and making an appropriation therefor. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 210-FN, relative to the division for children and youth services confidentiality statutes. (Amendment printed SJ 23, 6/9/93)

Adopted.

SB 218-FN, relative to the child protection act. (Amendment printed SJ 23, 6/9/93)

Adopted.

ENROLLED BILLS REPORT

HB 131, repealing a penalty provision regarding anabolic steroids.

HB 140, establishing a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling.

HB 147, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor and relative to involuntary emergency admissions.

HB 172, relative to the oil discharge and disposal cleanup fund.

HB 218, relative to the driver training fund.

HB 243, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level.

HB 268, increasing the penalty for certain subsequent offenses of indecent exposure.

HB 297, establishing a committee to study the economic and environmental benefits of conversion to propane gas.

HB 356, relative to legal disputes between the state and political subdivision of the state regarding Article 28-a violations.

HB 358, allowing the creation of or participation in professional corporations by physician assistants.

HB 399, removing a certain portion of the blue laws regarding Sunday business activity and relative to certain police regulations.

HB 454, removing the requirement that courts approve temporary transfers of county prisoners.

HB 456, modifying the bail statutes relative to persons arrested for violating certain protective orders.

HB 464, recognizing merchant marines who served in World War II as World War II veterans.

HB 469, allowing the state treasurer to issue bonds to pay for debt issuance costs and to enter into swap agreements.

HB 481, enabling municipalities to enact noise ordinances.

HB 503, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users.

HB 548, providing staggered terms for county commissioners in Carroll county and relative to the payment of burial expenses for assisted persons who die in county nursing homes.

HB 592, establishing a committee to study the state's economic development activities and establishing a committee to study the feasibility of establishing a community service program in New Hampshire.

HB 602, relative to claiming assets which have escheated to the state.

HB 606, authorizing employers subject to the workers' compensation law to establish managed care programs.

HB 672, establishing a healthy kids corporation and making an appropriation therefor and continually appropriating a special fund.

HB 690, allowing and regulating limited liability companies and professional limited liability companies.

SB 2, redesignating a portion of New Hampshire Route 51 as New Hampshire Route 101.

SB 6, permitting the bank commissioner to examine and report on certain non-bank lenders.

SB 7, changing the bonding requirement for mortgage brokers.

SB 26, relative to contracts between public adjusters and insureds and relative to continuing education for adjusters.

SB 141, establishing joint corrections study and an advisory study committee and authorizing the hiring of a private consultant or consultants to study the long-term needs for correctional facilities in New Hampshire, providing for design of the governors state park, and making appropriations therefor.

SB 147, requiring the legislative budget assistant to study the state restricted and dedicated funds and requiring reports from the house appropriations committee and the house ways and means committee.

SB 159, relative to technological development and relative to inventor assistance and making an appropriation therefor.

SB 164, relative to the OHRV fund and exempting certain all-terrain vehicles from being equipped with headlights and brake lights.

SB 172, relative to certain unclassified positions in the department of corrections and requiring the legislative budget assistant to review and update the unclassified positions salary allocation study.

SB 180, increasing the fee charged by the state on returned checks and making technical changes relative to enrollment and administrative provisions.

SB 193, relative to liability under the hazardous waste, oil spillage and underground storage facilities laws and amending statutory definitions to clarify the secured creditor exemption.

SB 196, relative to municipal economic development, establishing a committee to study regional and local economic development, and establishing an economic development matching grants program and making an appropriation therefor.

SB 197, implementing Title V of the Clean Air Act.

SB 220, relative to criminal history checks for school personnel, applicants for certification or renewal, and contracted personnel.

SB 231, relative to lead poisoning and control and continually appropriating a fund to the director of public health services.

SB 239, relative to the public utilities commission.

Sen. Currier, Rep. Dunn for the Committee

RESOLUTION

Rep. Guay offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

Rep. Guay moved that the House stand in recess for the purpose of Senate Messages, Enrolled Bills Amendments and Enrolling Reports only.

Adopted.

The House recessed at 1:25 p.m.

RECESS

(Rep. Pageotte in the Chair)

ENROLLED BILLS REPORT

HB 173, relative to certification of corrections officers; redefining the term "permanent policeman" to include "state corrections officers" for retirement system purposes; the payment of medical benefits to certain group II retirement system members' and the supervision fee for probationers and parolees.

HB 136, pertaining to the authority and operation of the public utilities commission.

HB 258, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers.

HB 615, recodifying the municipal budget law.

HB 653, relative to the practice of optometry.

SB 65, requiring health care providers to disclose an ownership interest in any entity to which they refer patients.

SB 87, relative to capital access and the business finance authority and capital formation; and relative to ambulatory care clinics.

SB 106, relative to a northeast interstate dairy compact.

SB 168, relative to oil terminal facility registration and small fuel oil facilities.

SB 170, relative to the distribution of meals and rooms tax revenue and establishing a minimum annual amount to be appropriated for revenue distribution to cities and towns.

SB 209, relative to the children's health plan and making an appropriation therefor.

Sen. Currier, Rep. Dunn for the Committee

RECESS

(Rep. Gene Chandler in the Chair)

ENROLLED BILLS REPORT

HB 227, relative to enforcement of parking violations.

HB 417, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members.

HB 633, repealing inactive study committees and extending the reporting date for certain study committees.

HB 663, making technical corrections to the Business Corporations Act, repealing 2 obsolete provisions regarding corporate stock, and relative to interstate cooperation regarding securities laws.

HB 674, establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study.

SB 9, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9.

SB 10, revising articles 3 and 4 of the uniform commercial code and adopting 4A of the uniform commercial code.

SB 94, relative to workforce development, making an appropriation to support a pilot satellite program in Haverhill, establishing a job training program, and making an appropriation therefor, and establishing a study committee to assess the impact of reduced military production on the state's economy.

SB 95, defining the authority of the state board of education and the department of education.

SB 182, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder.

Sen. Currier, Rep. Dunn for the Committee

RECESS

(Rep. Gordon Wiggin in the Chair)

ENROLLED BILLS REPORT

HB 435, relative to an alternate state contribution for surface water treatment systems and making an appropriation therefor.

HB 505, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities and making technical corrections to certain provisions of the DWI and implied consent laws.

SB 158, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund.

SB 191, relative to the New Hampshire real estate practice act.

SB 210, relative to the division for children and youth services confidentiality statutes.

SB 218, relative to the child protection act.

RECESS

CONFEREES CHANGES

HB 2-FN, relative to state fees, funds, revenues and expenditures. Rep. Franklin Torr as Chairman. Alternates: Reps. Burns, Gross, Douglas Hall and Schotanus.

HB 25-A, relative to state fees, funds, revenues and expenditures. Rep. Katherine Rogers replaced Rep. Buckley.

Rep. Ann Torr moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 33

Tuesday, June 29, 1993

The House assembled at 10:00 p.m., as determined by the Chair, and was called to order by Deputy Speaker, Rep. Michael Hill.

His Excellency Governor Stephen Merrill joined the Deputy Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Thomas Duston of St. John the Evangelist Church in Concord.

God, ever faithful and true, You fill our lives with the joys of family, friends and good times to share with them, and You allow us to be challenged by trials and hardships and people who oppose us. We ask for strength and patience to overcome our challenges, and a generous spirit to share our joys with one another. We thank You for hearing us and being with us this day. Amen.

Rep. Sullivan led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Mason, Dowd, Record and Simon, the day, illness.

Reps. Bell, Dunn, Wells, Joan Kane, Richard Hill, Peyron, Ahlgren, Jay Ward, Williamson, Laflam, Gorman, Below, Syracuse, Elizabeth Moore, Franks, Langer, Feuerstein, Desrosiers, Dowling and Ralph Torr, the day, important business.

Rep. Braiterman, the day, illness in the family.

INTRODUCTION OF GUESTS

Adam Ford, grandson of Rep. Sullivan. Anna Clark, Elfie Tillhoff and Anna Barndollar, daughter and guests of Rep. Fuller Clark.

**COMMUNICATION
OPINION OF THE JUSTICES
(House Bill 570)**

June 14, 1993

To the Honorable House of Representatives:

The undersigned justices of the supreme court now submit the following replies to your questions of March 11, 1993. (HR 20, see House Journal No. 11, dated 3/11/93) Following our receipt of your resolution on March 16, 1993, we invited interested parties to file memoranda with the court on or before April 19, 1993.

HB 570-FN-LOCAL (the bill) proposes to amend RSA chapter 79-A (1991 & Supp. 1992) by inserting after section 7 a new section to read:

"79-A:7-a Land Use Change Penalty Assessment.

I. At the same time as an owner pays the land use change tax pursuant to RSA 79-A:7, I, the owner shall pay an additional penalty assessment for land which changed from a qualifying use to a non-qualifying use under RSA 79-A:7 within the first 10 years of acquisition of ownership or enrollment in the program. The amount of penalty assessment paid shall be determined as follows:

- (a) If the land has been in current use for up to 2 years, 5 percent of its value as determined under RSA 79-A:7, I.
- (b) If the land has been in current use for 2 or more years but less than 4 years, 4 percent of its value as determined under RSA 79-A:7, I.
- (c) If the land has been in current use for 4 or more years but less than 6 years, 3 percent of its value as determined under RSA 79-A:7, I.
- (d) If the land has been in current use for 6 or more years but less than 8 years, 2 percent of its value as determined under RSA 79-A:7, I.
- (e) If the land has been in current use for 8 or more years but less than 10 years, one percent of its value as determined under RSA 79-A:7, I.

II. There is established a current use reimbursement fund. Any penalty assessment received by the municipality under this section shall be paid to the department of revenue administration

within 30 days of receipt by the municipality and deposited into the current use reimbursement fund. The current use reimbursement fund shall be continually appropriated to the department of revenue administration. On July 1 of each year, the department of revenue administration shall distribute all money collected in the prior fiscal year which is in the current use reimbursement fund to all municipalities which have more than 50 percent of their total taxable, private land area in current use on a per acre basis.

III. Whenever the land use change tax is abated by the municipality, the department of revenue administration shall repay the portion of any penalty assessment paid by the landowner which is attributable to the abated tax from the current use reimbursement fund.

IV. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, regarding forms and other information necessary to implement the provisions of this section."

Your first question asks whether "assessing a penalty in addition to the land use change tax for a change in use which occurs within 10 years of the date the property is placed into current use impermissibly [sic] classifies taxpayers in violation of Article 12, Part I and Article 5, Part II of the New Hampshire Constitution or deprive[s] persons of equal protection of the laws under Articles 1 and 12, Part I, of the New Hampshire Constitution." This question is answered in the negative.

We note that although the bill uses the term "penalty assessment," the proposed charge is a tax. "A tax is an enforced contribution to raise revenue and not to reimburse the state for special services rendered to a given party." *Opinion of the Justices*, 117 N.H. 749, 756, 379 A.2d 782, 786 (1977). Accordingly, we base our analysis of the bill on this premise. In addition, we assume, without deciding, that the land use change tax set out in RSA 79-A:7 is constitutional.

The legislature has wide discretion with respect to classification of taxable property. *See Opinion of the Justices*, 115 N.H. 306, 308, 339 A.2d 450, 451 (1975). If there is a just reason for the classification of taxable property, *see Opinion of the Justices*, 112 N.H. 32, 34, 287 A.2d 756, 757 (1972), and "the proposed selection is not arbitrarily made or for the sole purpose of preferring some taxpayers to others it will be upheld." *Opinion of the Justices*, 97 N.H. 543, 544, 81 A.2d 851, 852 (1951).

RSA chapter 79-A, the current use taxation statute, "was enacted to promote the preservation of open land in the State by allowing qualifying land to be taxed at a reduced rate based on its current use value as opposed to the value of a more extensive use." *Dana Patterson, Inc. v. Town of Merrimack*, 130 N.H. 353, 355, 540 A.2d 1225, 1226 (1988); *see Frost v. Town of Candia*, 118 N.H. 923, 924, 396 A.2d 336, 336 (1978) (statute encourages preservation of open space by removing pressure of taxes at higher rates). An additional intent of the statute is to allow a town with land in current use to "recapture some of the taxes it would have received had the land not been in the lower open space tax category." *Appeal of Town of Peterborough*, 120 N.H. 325, 329, 414 A.2d 1292, 1295 (1980).

Recognition of the need for a special effort to preserve open space demonstrates a just reason for the legislature's creation of a class of taxpayers from whom an additional penalty is required when the land no longer qualifies for the special tax treatment. It is reasonable for the legislature to determine that property applied as current use for less than ten years does not fulfill the purpose of the statute. The penalty is a part of the legislative scheme, operating as an added sanction to discourage premature conversion of open land to other uses, and is tied to the value of the land. These facts support a finding that the penalty has just reason, is not arbitrarily made, and thus is constitutional.

Your first question asks also whether such classification violates the equal protection clause of the New Hampshire Constitution. Under our State Constitution, "equal protection analysis of statutes alleged to have had an adverse economic effect, absent a suspect classification, usually does not require application of the strict scrutiny standard." *Boehner v. State*, 122 N.H. 79, 83, 441 A.2d 1146, 1148 (1982). Rather, economic classifications are typically subject to the rational basis test. *See Petition of State Employees' Assoc. & Goulette*, 129 N.H. 536, 540, 529 A.2d 968, 971 (1987); *Opinion of the Justices*, 117 N.H. 749, 758, 379 A.2d 782, 788 (1977). The equal protection question therefore is whether a rational basis exists for imposing a penalty in addition to the land use change tax.

As indicated above, the conservation, protection, and promotion of the State's natural resources are "within the ambit of public welfare" and therefore "the taxing power may be used

to aid that public purpose." *Opinion of the Justices*, 99 N.H. 532, 534, 114 A.2d 327, 328 (1955). Land applied as current use for a period of less than ten years does not satisfy the goal of conservation to the extent realized when land is held in current use for longer periods of time. The classification of property for tax purposes under the proposed legislation has a rational basis and is rationally related to a valid public purpose.

Your second question asks whether "assessing a penalty at a different rate based upon the length of time the land has been in current use impermissably [sic] classif[ies] taxpayers in violation of Article 12, Part I and Article 5, Part II of the New Hampshire Constitution or deprive[s] persons of equal protection of the laws under Articles 1 and 12, Part I of the New Hampshire Constitution." This question is answered in the negative.

As discussed above, it is reasonable to assume that the goal of preserving open space is increasingly accomplished the longer land is committed to such use. Affording property owners who continue to maintain their land in current use increased exemptions from the penalty assessment appears reasonable on its face and therefore provides just reason for the distinction. See *Opinion of the Justices*, 115 N.H. 228, 231, 338 A.2d 553, 555-56 (1975) (affording increased tax exemptions for resident owners in advanced age brackets supported by just reason that average earning power diminishes with age). The penalty assessment applied to landowners whose land becomes disqualified for current use within ten years of enrollment "would include a distinctive class of property, would be imposed upon a certain event and would apply to all similarly situated." *Opinion of the Justices*, 84 N.H. 559, 575, 149 A. 321, 329 (1930). For these reasons, tying the rate of the penalty to the length of time the land is in current use is reasonable. *Id.* at 569, 149 A. at 326 (for purposes of taxation property may be classified with reference to its kind or its use provided there is a reasonable ground of demarcation).

Your second question asks also whether such a provision violates the State Constitution's guarantee of equal protection. The answer turns on the existence of a rational basis for the classification. *Petition of State Employees' Assoc. & Goulette*, 129 N.H. at 540, 529 A.2d at 971. Equal protection permits classifications that are reasonable and not arbitrary and have a rational relation to the public purpose sought to be achieved by the legislation involved. See *State v. Amyot*, 119 N.H. 671, 673, 407 A.2d 812, 813 (1979). For the reasons stated in the first part of our answer to your second question, we conclude that the classification is not unreasonable or arbitrary.

Your third question asks whether "either the payment of the penalty assessments to the state or the state redistribution of the penalty assessments to municipalities, which may not have paid any penalty assessment, violate[s] Article 12, Part I and Article 5, Part II of the New Hampshire Constitution." This question is answered in the negative.

"The power to distribute the public burden, or the public revenue . . . is, in its nature, purely legislative." *Keene v. Roxbury*, 81 N.H. 332, 337, 126 A. 7, 11 (1924) (quotation omitted). "[S]tate aid to relieve the burdens put upon some towns and not upon others, or put upon towns in differing degree or amount, may be granted by the legislature." *Opinion of the Justices*, 84 N.H. at 580, 149 A. at 332. While this principle is limited by the constitutional requirement that the "legislature cannot arbitrarily provide that taxpayers in one district shall contribute to the support of a public enterprise which is wholly for the benefit of another district," *Keene v. Roxbury*, 81 N.H. at 335, 126 A. at 10, "when there are overlapping, common or intermingled rights or benefits, it is within the legislative power to make a reasonable division of the burden." *Id.*

The basis for the distribution proposed in the bill is the fact that more than 50% of the total, taxable private land of a municipality is in current use, and therefore generating less revenue to fund the town's governmental functions. Because the lower tax rate applied to land in current use is for the promotion of a state-wide interest, to wit, the preservation of open space, it follows that the State can aid those qualifying municipalities in the manner proposed in the bill.

Your fourth question asks whether "an increase in the rate of land use change tax or the imposition of a penalty for a land use change on land already in current use violate[s] the constitutional prohibition against retrospective laws set forth in Article 23, Part I of the New Hampshire Constitution." This question is answered in the affirmative.

"[E]very statute, which takes away or impairs vested rights, acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transac-

tions or considerations already past" is a retrospective law. *Pepin v. Beaulieu*, 102 N.H. 84, 89, 151 A.2d 230, 235 (1959) (quotation omitted). "[T]he application of a taxing provision to a transaction that occurred before its enforceable date would be retrospective under article 23." *Cagan's, Inc. v. Dep't of Rev. Admin.*, 126 N.H. 239, 249, 490 A.2d 1354, 1361 (1985).

RSA 79-A:5, IV states: "Prior to July 1 each year, the assessing officials shall determine if previously classified lands have been reapplied or have undergone a change in use so that the land use change tax may be levied against lands changed in use, according to RSA 79-A:7." RSA 79-A:7, I, provides that "[l]and which has been classified as open space land and assessed at current use values on or after April 1, 1974 . . . shall be subject to a land use change tax when it is changed to a use which does not qualify for open space assessment." The statute is unclear whether a landowner who fails to reapply for current use, or who simply opts to pay taxes based on the property's full and fair value, but nonetheless does not apply the property to a more intensive use, is required to pay the ten percent land use change tax presently assessed pursuant to RSA 79-A:7.

It appears, pursuant to the provisions quoted above, that the only mechanism for withdrawing from current use status is to change the use of the land to a nonqualifying one, as defined under RSA 79-A:7, and pay the ten percent tax. Based on this statutory scheme, the application of an increased land use change tax or a penalty on land already enrolled in current use would constitute an unconstitutional retrospective law. Clearly no constitutional issue would arise if the statutory scheme allowed for landowners to withdraw land enrolled in current use without additional cost prior to an increase in the tax or the imposition of an additional penalty. We express no opinion on the validity of a grandfathering provision, as to do so would be based on speculation.

"[W]e have not undertaken to consider all the provisions of the bill in every detail to ascertain whether they may be objectionable. Lack . . . of information has rendered this impracticable." *Opinion of the Justices*, 118 N.H. 343, 346, 386 A.2d 1273, 1275 (1978) (quotations and citation omitted).

David A. Brock, William F. Batchelder and William R. Johnson

OPINION OF JUSTICES THAYER AND HORTON

Insofar as the majority opinion holds that an increase in the land use change tax, or the imposition of a penalty for a land use change on land that has been in current use for less than ten years violates part I, article 23 of the New Hampshire Constitution, we must dissent. The majority identifies the long-accepted definition of a retrospective law as a statute "which takes away or impairs vested rights, acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past." *Woart v. Winnick*, 3 N.H. 473, 479 (1826). Cases decided under this definition focus either on analyzing whether a statute impairs a vested right, under the first half of the definition, or whether a statute imposes a new obligation or duty with respect to past transactions, under the second half of the definition.

Most cases that have been decided under article 23 use a vested rights analysis. The opinion of the majority of the justices implicitly concedes that landowners who have enrolled their land in the current use program do not have a vested right to any particular tax rate in that the majority uses a transactional analysis to reach the conclusion that the proposed amendments to RSA chapter 79-A are retrospective. See *Cagan's, Inc. v. Dep't of Rev. Admin.*, 126 N.H. 239, 249, 490 A.2d 1354, 1361 (1985) (tax on sales from vending machines effective Oct. 15 held retrospective if applied to sales transactions which occurred prior to Oct. 15).

Although a majority of this court apparently believe that the relevant transaction is a landowner's initial application to enroll their land in current use, the plain language of the statute itself militates against using the initial enrollment as the relevant transaction. The current language provides: "The land use change tax shall be due and payable by the owner at the time of the change in use . . ." RSA 79-A:7, II (Supp. 1992). The proposed amendments do not alter the timing for payment of the tax, they merely alter the amount of the tax. It is only when the landowner *exits* the program that the tax is assessed. Accordingly, the relevant transaction, in determining whether the proposed amendments to RSA chapter 79-A violate article 23 of the New Hampshire Constitution, occurs when a landowner exits the current use program, not when a landowner first applies to have land assessed at current use values. The proposed amendments

would become effective in July 1993 and would apply to transactions in which landowners change the use of their land after that time. Because the proposed amendments will be applied prospectively, there is no violation of part I, article 23 of the New Hampshire Constitution.

W. Stephen Thayer, III and Sherman D. Horton, Jr.

Charles Niebling, of Concord, filed a memorandum on behalf of the New Hampshire Timberland Owners Association.

David Harrigan, of Concord, filed a memorandum on behalf of the Society for the Protection of New Hampshire Forests.

H. Bernard Waugh, Jr., of Concord, filed a memorandum on behalf of the New Hampshire Municipal Association, in support of negative answers to the questions presented.

GOVERNOR'S VETO MESSAGE ON HB 558

June 15, 1993

The Honorable Members of the General Court:

I am today vetoing HB 558, An Act requiring the board of education to submit its proposed rules relative to standards and statewide testing and assessment to the standing legislative education committees for approval or objections. This bill would subject the Board of Education to rulemaking requirements that are unprecedented and that exist for no other agency.

For a decade, executive branch agencies have carried out their rulemaking responsibilities under RSA 541-A. That statute has a number of provisions which are of questionable constitutionality, but nevertheless that statute has provided a process for agencies to work with the Legislature in assuring that public monies are spent appropriately and public policies are carried out. HB 558 is unacceptable because with respect to some of the rules of the Board of Education, it transfers legislative review from the Joint Legislative Committee on Administrative Rules to the standing House and Senate and Education Committees.

Not only does this transfer utilize some of the constitutionally questionable sections of RSA 541-A — which give a committee the powers that ought properly to be exercised by the Legislature as a whole — but it also begins an unworkable process of requiring state agencies to seek approval of their rules through any number of legislative committees.

This legislation is also deficient because it does not make it clear whether or not the Board's rules are to be formally processed through both the Administrative Rules Committee and the Education Committees. Despite the certain staff problems, the Joint Legislative Committee on Administrative Rules has acquired expertise in the processing of rulemaking actions. To now subject the Board of Education or any other agency to a duplicate process or to approval by a committee that does not have rulemaking expertise does not promote efficiency and fairness in government.

Those who wish to dilute the power of the citizen representation of the Board of Education are seeking numerous alternative routes to reach their goal. This cumbersome and complicated bill, which singles out the Board of Education and its rulemaking authority, should be rejected on the grounds of fairness and equity as well as on the grounds that it takes a step backwards in streamlining administrative rulemaking in state government.

Stephen Merrill, Governor

The question being, notwithstanding the Governor's veto, shall **HB 558**, requiring the board of education to submit its proposed rules relative to standards and statewide testing and assessment to the standing legislative education committees for approval or objection, pass?

Reps. Carter and Wadsworth spoke in favor.

Rep. Larson spoke in favor and yielded to questions.

Rep. Daniels spoke against and yielded to questions.

(Speaker Burns in the Chair)

As required by the Constitution, a roll call was taken.

YEAS 204

NAYS 142

YEAS 204

BELKNAP

Bartlett, Gordon

Hawkins, Robert

Salatiello, Thomas

Ziegler, Alice

CARROLL

Bradley, Jeb	Dickinson, Howard, Jr.	Foster, Robert	Philbrick, Donald
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CHESHIRE

Avery, Stephen	Bonneau, Sarah	Burnham, Daniel	Champagne, Richard
DePecol, Benjamin	Foster, Katherine	Kingsbury, H. Thayer	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Metzger, Katherine	Pearson, Gertrude
Perry, David	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Royce, H. Charles	Russell, Ronald		

COOS

Bradley, Paula	Coulombe, Henry	Guay, Lawrence	Harwell, Tyler
Hawkinson, Marie	Horton, Lynn	Mayhew, Josephine	Mears, Edgar
Wiswell, James			

GRAFTON

Bean, Pamela	Brown, Channing	Brown, Patricia	Copenhaver, Marion
Croy, Elizabeth	Driscoll, William	Guest, Robert	Ham, Bonnie
Larson, Nils, Jr.	McIlwaine, Deborah	Nordgren, Sharon	Scanlan, David
Teschner, Douglass	Wadsworth, Karen	Ward, Kathleen	

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Amidon, Eleanor
Arnold, Thomas, Jr.	Bagley, Amy	Bergeron, Lucien	Bergeron, Normand
Buckley, Raymond	Cepaitis, Elizabeth	Clemons, Jane	Cote, David
Crotty, Edward	Daigle, Robert	Donovan, Francis	Drabinowicz, A. Theresa
Durham, Susan	Dwyer, Patricia	Dyer, Merton	Ferguson, Charles
Fields, Dennis	Foster, Linda	Gage, Ruth	Gosselin, Gerald
Haettenschwiller, Alphonse	Hall, Betty	Hanselman, Gregory	Hart, Nick
Holt, David	Jean, Claudette	Johnson, Lionel	Kelley, Robert
Kirby, Thomas	Lachut, Ervin	Leclerc, Charles	Lessard, Rudy
Lown, Elizabeth	Lozeau, Donnalee	Martin, Mary Ellen	Messier, Irene
Milligan, Robert	Morello, Michael	Morrisette, Roland	Nardi, Theodora
O'Rourke, Joanne	Packard, Bonnie	Paquette, Rodolphe	Peters, Stanley
Philbrook, Paula	Plourde, Alphonse	Reidy, Frank	Sargent, Maxwell
Searles, Stanley, Sr.	Smith, Leonard	Soucy, Donna	Soucy, Richard
Tate, Joan	Toomey, Kathryn	Turgeon, Roland	Upton, Barbara
Vanderlosk, Stanley	Wheeler, Robert	White, John	

MERRIMACK

Apple, Lowell	Buessing, Marjorie	Carter, Susan	Chandler, John
Daneault, Gabriel	Fillion, Paul	French, Barbara	Gross, Caroline
Hall, Douglas	Hill, Michael	Johnson, C. William	Johnson, Joyce May
Kidder, William	Lockwood, Robert	Moore, Carol	Newland, Matthew
Nichols, Avis	Owen, Derek	Rogers, Katherine	Shaw, Randall
Soldati, Jennifer	Teague, Bert	Trombly, Rick	Wallner, Mary Jane
Weeks, John, Jr.	Whalley, Michael	Yeaton, Charles	

ROCKINGHAM

Campbell, Marilyn	Caswell, Albert, Jr.	Clark, Martha	Coes, Betsy
Conroy, Janet	Crossman, Harold, Jr.	Flanders, John, Sr.	Gage, Beverly
Groves, Bonnie	Hutchinson, Karen	Johnson, Bill	Johnson, Robert
Kane, Cecelia	Klemarczyk, Thaddeus	Lee, Rebecca	McGovern, Cynthia
Miller, Don	Newman, Rick	O'Keefe, Patricia	Pantelakos, Laura
Rosencrantz, James	Schanda, Joseph, Sr.	Senter, Marilyn	Skinner, Patricia
St. Martin, Tommy	Sytek, Donna	Termino, Margaret	Vaughn, Charles
Woods, Deborah			

STRAFFORD

Brown, George	Callaghan, Frank	Dunlap, Patricia	Gilmore, Gary
Hambrick, Patricia	Hashem, Elaine	Hemon, Roland	Keans, Sandra
Kincaid, William	Loder, Suzanne	Lundborn, Raymond	McCann, William, Jr.
McGrath, J. Gregory	McKinley, Robert	Merrill, Amanda	Merritt, Deborah
O'Brien, John	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Snyder, Clair	Spear, Barbara	Sullivan, Henry	Torr, Ann
Wall, Janet	Wheeler, Katherine		

SULLIVAN

Allison, David	Behrens, Thomas	Burling, Peter	Cloutier, John
Flint, Gordon	Holl, Ann	Palmer, Lorraine	Schotanus, Merle
Stamatakis, Carol			

NAYS 142**BELKNAP**

Cain, Thomas	Campbell, Richard, Jr.	Golden, Paul	Hauck, William
Holbrook, Robert	Johnson, Carl	Rice, Thomas, Jr.	Rosen, Ralph
Smith, Linda	Turner, Robert		

CARROLL

Allard, Nanci	Beach, Mildred	Chandler, Gene	Cogswell, Richard
Lyman, L. Randy	Mock, Henry	Wiggin, Gordon	

CHESHIRE

Cole, Stacey	Delano, Robert	McNamara, Wanda	Smith, Edwin
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COOS

Foss, Frederic	Merrill, Gerald	Pratt, Leighton
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GRAFTON

Adams, Carl	Brown, Alson	Chase, Paul, Jr.	Eaton, Stephanie
Gordon, Edward	Rose, William	Trelfa, Richard	White, Paul

HILLSBOROUGH

Ahrens, Frederick	Andrews, Frederick	Arnold, Barbara	Bowers, Dorothy
Burke, M. Virginia	Calawa, Leon, Jr.	Chabot, Robert	Cowenhoven, Garret
Daniels, Gary	Dodge, Emma	Domaingue, Jacquelyn	Drolet, Paul
Dykstra, Leona	Fenton, James	Gagnon, Eugene	Greenberg, Gary
Healy, Daniel	Holden, Carol	Holley, Sylvia	Hunter, Bruce
Jasper, Shawn	Jean, Loren	Kelley, Dana	Kurk, Neal
L'Heureux, Robert	Lefebvre, Roland	McCarty, Winston	McNerney, Daniel
McRae, Karen	Mercer, Robert	Mittelman, David	Moncrief, Keith
Murphy, Robert	Pepino, Leo	Perkins, Paul	Rheault, Lillian
Riley, Frances	Rodgers, G. Philip	Rothhaus, Finlay	Weergang, Alida
Wright, George			

MERRIMACK

Barberia, Richard	Chandler, Earle	Gilbreth, Robert	Holmes, Mary
Houlahan, Thomas	Kennedy, Richard	Pfaff, Terence	Regan, Maurice
Stapleton, Henry	Whittemore, James	Willis, Jack	

ROCKINGHAM

Aranda, M. Kathryn	Arndt, Janet	Battles, Marjorie	Beaulieu, Jon
Blake, Daniel	Boucher, William	Bove, Martin	Chester, Sherman
Christie, Andrew, Jr.	Clark, Vivian	Cote, Charles	Cote, Patricia
Crum, William, Jr.	DiPietro, Carmela	Drake, Herbert	Dube, LeRoy
Felch, Charles, Sr.	Fesh, Robert	Flanagan, Natalia	Flanders, David

Hemenway, Thomas
 Lovejoy, Marian
 Noyes, Richard
 Putnam, Ed, II
 Rubin, George
 Sytek, John
 Yennaco, Carol

Hurst, Sharleene
 Malcolm, Kenneth
 Packard, Sherman
 Raynowska, Bernard
 Smith, Arthur
 Warburton, Calvin

Katsakiores, George
 McKinney, Betsy
 Pratt, Katharin
 Richards, David
 Stone, Joseph
 Welch, David

Klemm, Arthur, Jr.
 Moore, Benjamin
 Pullman, Robert
 Ritzo, Eugene
 Stritch, C. Donald
 Weyler, Kenneth

STRAFFORD

Brown, Julie
 Knowles, William
 Vincent, Francis

Chagnon, Ronald
 Musler, George
 Wasson, Richard

Douglass, Clyde
 Nehring, William

Hilliard, Dana
 Torr, Franklin

SULLIVAN

Domini, Irene

Lindblade, Eric

Rodeschin, Beverly

and lacking the necessary two-thirds, the veto was sustained.

GOVERNOR'S VETO MESSAGE ON HB 493

June 15, 1993

The Honorable Members of the General Court:

I have this day vetoed House Bill 493, an act relative to the purchasing of hypodermic needles and educating persons regarding needle disposal in New Hampshire. I will not make our State the most liberal state in the nation concerning the availability of hypodermic needles.

House Bill 493 makes hypodermic needles available to anyone, over the age of 18, without a prescription. The sponsors of House Bill 493 hope that ready availability of needles to intravenous drug abusers will reduce needle sharing among this group, thereby decreasing the incidence and spread of AIDS. This is a worthy goal but it creates another problem by attempting to solve one.

Although I support the need to contain the spread of AIDS, I also strongly believe we must continue to fight the war against drugs, and I therefore cannot endorse the process and procedures established by this bill.

The framework of this legislation assumes as fact that IV drug abusers are responsible, law-abiding conscientious members of society, who are capable of safe-needle disposal and susceptible to drug rehabilitation education by pharmacists. The sponsors of this bill hope, in the face of contrary evidence, that drug addicts, already engaged in criminal drug behavior, will abide by the requirements of this bill, if it becomes law. I cannot support a bill that winks at illegal activity. No drug rehabilitation organization in New Hampshire has contacted our office in support of this bill.

The sponsors of this bill admit that no state has passed a law that deals with this problem of needle disposal. If needles are not properly disposed of by addicts, they may be picked up and shared by other abusers, thereby defeating the purpose of this Bill. Further, they may end up posing a greater threat to the general public.

On May 3, 1993, in Dover, a thirteen-year-old junior high school student was arrested for stabbing two other students with a hypodermic syringe. Just this week, it was reported that hypodermic needles were found in cans of a popular soft drink, in four different states.

The New Hampshire Pharmacists Association has spoken of their concern that this bill's "vague mandates will be difficult, if not impractical to carry out." Pharmacists believe that it will be nearly impossible to prevent minors from purchasing these "potentially dangerous hypodermic devices." Finally, they are worried that pharmacies along the Massachusetts border will "find it challenging to deal with out-of-state persons circumventing that state's continued prescription requirements."

The New Hampshire Association of Chiefs of Police have spoken their strong opposition of HB 493, based on the same concerns and reservations.

I recognize that well-meaning individuals support this bill. Unfortunately, there is no substantial or convincing evidence that making hypodermic needles available without a prescription in the State of New Hampshire will reduce needle sharing among IV drug addicts and will reduce the spread of AIDS.

I am willing to take all responsible steps to stop the spread of AIDS. This bill deals with the symptom and not with the problem. By dealing with the symptom, it may unknowingly encourage drug usage and irresponsible behavior among IV addicts.

For these reasons, I do not believe it is in the best interest of the people of the State of New Hampshire for House Bill 493 to become law.

Stephen Merrill, Governor

(Rep. Michael Hill in the Chair)

The question being, notwithstanding the Governor's veto, shall **HB 493**, relative to purchasing hypodermic needles, educating persons regarding safe disposal of needles and drug rehabilitation and establishing an advisory committee, pass?

Reps. Cecelia Kane, Manning and Hawkins spoke in favor and yielded to questions.

Reps. McNerney and Daniels spoke against and yielded to questions.

Rep. Ziegler spoke in favor.

Rep. Cogswell spoke against.

(Speaker Burns in the Chair)

As required by the Constitution, a roll call was taken.

YEAS 194

NAYS 160

YEAS 194

BELKNAP

Cain, Thomas

Campbell, Richard, Jr.

Hawkins, Robert

Ziegler, Alice

CARROLL

Foster, Robert

CHESHIRE

Avery, Stephen

Bonneau, Sarah

Burnham, Daniel

Champagne, Richard

DePecol, Benjamin

Foster, Katherine

Kingsbury, H. Thayer

Lynch, Margaret

Manning, Joseph

McGuirk, Paul

Pearson, Gertrude

Pratt, Irene

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

COOS

Bradley, Paula

Coulombe, Henry

Harwell, Tyler

Hawkinson, Marie

Horton, Lynn

Mayhew, Josephine

Mears, Edgar

Pratt, Leighton

Wiswell, James

GRAFTON

Bean, Pamela

Brown, Channing

Brown, Patricia

Copenhaver, Marion

Crory, Elizabeth

Eaton, Stephanie

Guest, Robert

Harn, Bonnie

LaMott, Paul

Larson, Nils, Jr.

McIlwaine, Deborah

Nordgren, Sharon

Scanlan, David

Teschner, Douglass

Wadsworth, Karen

Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip

Ahern, Richard

Allen, W. Gordon

Amidon, Eleanor

Arnold, Thomas, Jr.

Asselin, Robert

Bagley, Amy

Bergeron, Lucien

Bergeron, Normand

Buckley, Raymond

Cepaitis, Elizabeth

Clemons, Jane

Cote, David

Crotty, Edward

Daigle, Robert

Drabinowicz, A. Theresa

Durham, Susan

Dwyer, Patricia

Ferguson, Charles

Fields, Dennis

Foster, Linda

Gage, Ruth

Gervais, Glen

Haettenschwiller, Alphonse

Hall, Betty

Hanselman, Gregory

Holt, David

Jean, Claudette

Johnson, Lionel

Lachut, Ervin

Leclerc, Charles

Lefebvre, Roland

Lessard, Rudy

Lown, Elizabeth

Lozeau, Donnalee

Martin, Mary Ellen

McCarty, Winston

Milligan, Robert

Morello, Michael

Morrissette, Roland

Murphy, Robert

Nardi, Theodora

O'Rourke, Joanne

Packard, Bonnie

Paquette, Rodolphe

Perkins, Paul

Peters, Stanley

Philbrook, Paula

Plourde, Alphonse

Reidy, Frank

Rodgers, G. Philip

Rothhaus, Finlay

Sargent, Maxwell

Smith, Leonard

Soucy, Donna

Toomey, Kathryn

Upton, Barbara

Weergang, Alida

Wheeler, Robert

White, John

MERRIMACK

Buessing, Marjorie
French, Barbara
Holmes, Mary
Moore, Carol
Rogers, Katherine
Trombly, Rick

Carter, Susan
Gross, Caroline
Houlahan, Thomas
Newland, Matthew
Shaw, Randall
Wallner, Mary Jane
Daneault, Gabriel
Hall, Douglas
Johnson, Joyce May
Nichols, Avis
Soldati, Jennifer
Weeks, John, Jr.

Fillion, Paul
Hill, Michael
Lockwood, Robert
Owen, Derek
Teague, Bert
Yeaton, Charles

ROCKINGHAM

Beaulieu, Jon
Coes, Betsy
Gage, Beverly
Kane, Cecelia
O'Keefe, Patricia
Rubin, George
Stritch, C. Donald
Warburton, Calvin

Caswell, Albert, Jr.
Conroy, Janet
Groves, Bonnie
McGovern, Cynthia
Pantelakos, Laura
Skinner, Patricia
Sytek, John
Woods, Deborah
Clark, Martha
Crossman, Harold, Jr.
Hemenway, Thomas
McKinney, Betsy
Pratt, Katharin
Splaine, James
Teminko, Margaret

Clark, Vivian
DiPietro, Carmela
Hurst, Sharleene
Newman, Rick
Rosencrantz, James
St. Martin, Tommy
Vaughn, Charles

STRAFFORD

Brown, George
Hemon, Roland
Loder, Suzanne
Merrill, Amanda
Pageotte, Donald
Snyder, Clair
Vincent, Francis

Dunlap, Patricia
Hilliard, Dana
Lundborn, Raymond
Merritt, Deborah
Pelletier, Arthur
Spear, Barbara
Wall, Janet
Gilmore, Gary
Keans, Sandra
McCann, William, Jr.
Musler, George
Pelletier, Marsha
Sullivan, Henry
Wheeler, Katherine

Hambrick, Patricia
Kincaid, William
McGrath, J. Gregory
O'Brien, John
Rogers, Rose Marie
Torr, Ann

SULLIVAN

Allison, David
Holl, Ann

Behrens, Thomas
Palmer, Lorraine
Burling, Peter
Schotanus, Merle

Cloutier, John
Stamatakis, Carol

NAYS 160**BELKNAP**

Bartlett, Gordon
Johnson, Carl
Salatiello, Thomas

Golden, Paul
Lawton, David
Smith, Linda
Hauck, William
Rice, Thomas, Jr.
Turner, Robert

Holbrook, Robert
Rosen, Ralph

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Wiggin, Gordon
Bradley, Jeb
Lyman, L. Randy

Chandler, Gene
Mock, Henry

CHESHIRE

Cole, Stacey
Perry, David

Delano, Robert
Royce, H. Charles
McNamara, Wanda
Smith, Edwin

Metzger, Katherine
Young, David

COOS

Foss, Frederic

Guay, Lawrence
Merrill, Gerald

GRAFTON

Adams, Carl
Gordon, Edward

Brown, Alson
Rose, William
Chase, Paul, Jr.
Trelfa, Richard

Driscoll, William
White, Paul

HILLSBOROUGH

Ahrens, Frederick
Burke, M. Virginia
Dodge, Emma
Dyer, Merton

Andrews, Frederick
Calawa, Leon, Jr.
Domaingue, Jacquelyn
Dykstra, Leona
Arnold, Barbara
Chabot, Robert
Donovan, Francis
Fenton, James

Bowers, Dorothy
Daniels, Gary
Drolet, Paul
Gagnon, Eugene

Gosselin, Gerald
Holden, Carol
Jasper, Shawn
Kirby, Thomas
McRae, Karen
Moncrief, Keith
Seartes, Stanley, Sr.
Vanderloek, Stanley

Greenberg, Gary
Holley, Sylvia
Jean, Loren
Kurk, Neal
Mercer, Robert
Pepino, Leo
Soucy, Richard
Wright, George

Hart, Nick
Holt, Mark
Kelley, Dana
L'Heureux, Robert
Messier, Irene
Rheault, Lillian
Tate, Joan

Healy, Daniel
Hunter, Bruce
Kelley, Robert
McNerney, Daniel
Mittelman, David
Riley, Frances
Turgeon, Roland

MERRIMACK

Apple, Lowell
Gilbreth, Robert
Pfaff, Terence
Whittemore, James

Barberia, Richard
Johnson, C. William
Regan, Maurice
Willis, Jack

Chandler, Earle
Kennedy, Richard
Stapleton, Henry

Chandler, John
Kidder, William
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Boucher, William
Christie, Andrew, Jr.
Drake, Herbert
Fianagan, Natalie
Johnson, Bill
Klemm, Arthur, Jr.
Malcolm, Kenneth
Packard, Sherman
Richards, David
Smith, Arthur
Weyler, Kenneth

Arndt, Janet
Bove, Martin
Cote, Charles
Dube, LeRoy
Flanders, David
Johnson, Robert
Kruse, Fred
Miller, Don
Pullman, Robert
Ritzo, Eugene
Stone, Joseph
Yennaco, Carol

Battles, Marjorie
Campbell, Marilyn
Cote, Patricia
Felch, Charles, Sr.
Flanders, John, Sr.
Katsakiores, George
Lee, Rebecca
Moore, Benjamin
Putnam, Ed, II
Schanda, Joseph, Sr.
Sytek, Donna

Blake, Daniel
Chester, Sherman
Crum, William, Jr.
Fesh, Robert
Hutchinson, Karen
Klemarczyk, Thaddeus
Lovejoy, Marian
Noyes, Richard
Raynowska, Bernard
Senter, Marilyn
Welch, David

STRAFFORD

Brown, Julie
Hashem, Elaine
Torr, Franklin

Callaghan, Frank
Knowles, William
Wasson, Richard

Chagnon, Ronald
McKinley, Robert

Douglass, Clyde
Nehring, William

SULLIVAN

Domini, Irene

Flint, Gordon

Lindblade, Eric

Rodeschin, Beverly

and lacking the necessary two-thirds, the veto was sustained.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the rules be so far suspended as to permit the House to consider the conference report on **HB 164**, relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit.

Reps. Trombly and Gross spoke in favor.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 164, relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation. (Report printed SJ 24, 7/1/93)

Adopted.

HB 232, permitting the checking of traps at night subject to certain restrictions. (Report printed SJ 24, 7/1/93)

Adopted.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the rules be so far suspended as to permit the House to consider the conference report on **HB 339**, relative to reporting requirements for elected officials and candidates.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE ON HOUSE BILL

HB 339, relative to reporting requirements for elected officials and candidates. (Report printed SJ)

Adopted.

(Rep. Michael Hill in the Chair)

REGULAR CALENDAR

HR 25, urging Congress to support the 1986 Land and Resource Management Plan for the White Mountain National Forest. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel M. Burnham for Economic Development: The Clinton Administration is considering a range of proposals to remove "below cost" timber sales at all national forests including New Hampshire White Mountain National Forest. The Committee urges passage of House Resolution 25 which urges Congress to support new accounting system which would support the forests 1986 management plan and put other costs associated with the timber industry in their proper categories. Vote 10-3.

Amendment (3089B)

Amend the resolution by replacing all after the title with the following:

Whereas, the 1986 Land and Resource Management Plan for the White Mountain National Forest encompasses recreational, environmental, wildlife and migratory bird issues, along with timber growth and harvesting; now, therefore, be it

Resolved by the House of Representatives:

That the house of representatives of New Hampshire urges the United States Congress to continue its support for the 1986 Land and Resource Management Plan for the White Mountain National Forest while emphasizing the need for improved efficiency and cost reduction compatible with that plan; and

That Congress support the continuity and security of timber from the White Mountain National Forest; and

That the house of representatives of New Hampshire further urges that the United States Congress support a new accounting system which will ensure funding for the costs associated with the White Mountain National Forest management plan and seek viable alternatives to fund all other expenses; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

Reps. Burnham and Ham spoke in favor and yielded to questions.

Adopted.

Rep. Dickinson offered a floor amendment.

Floor Amendment (3179B)

Amend the resolution by replacing all after the title with the following:

Whereas, reports in the national press have caused the citizens of New Hampshire to be concerned about the continuity and security of timber from the White Mountain National Forest; and

Whereas, uncertainty about the continuity and security of timber supplies can adversely affect future plans for a number of wood-dependent companies in northern New England and discourage new wood-dependent industries from establishing operations in northern New England; and

Whereas, the 1986 Land and Resource Management Plan for the White Mountain National Forest encompasses recreational, environmental, wildlife and migratory bird issues, along with timber growth and harvesting; and

Whereas, the multiple-use concept of forest management has been a long standing viable policy to the White Mountain National Forest; now therefore, be it

Resolved by the House of Representatives:

That the house of representatives of New Hampshire urges the United States Congress to continue its support for the 1986 Land and Resource Management Plan for the White Mountain National Forest while emphasizing the need for improved efficiency and cost reduction compatible with that plan; and

That continuing support by Congress be publicly disseminated so that the residents of northern New England may become reassured of the continuity and security of timber from the White Mountain National Forest with the attendant improvements in the economic climate of the area; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

AMENDED ANALYSIS

This house resolution urges the United States Congress to support the 1986 Land and Resource Management Plan for the White Mountain National Forest.

Reps. Dickinson and Scanlan spoke in favor and yielded to questions.

Reps. Gene Chandler and Trelfa spoke in favor.

Rep. Buckley spoke against.

On a division vote, 225 members having voted in the affirmative and 109 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

SB 112, prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick G. Newman for Judiciary: SB 112 will delay a civil action brought against the victim in a sexual assault case by the defendant until the completion of the criminal case. Some defendants use the threat of civil action to intimidate the victim. We believe this bill takes a step toward eliminating this type of intimidation. The amendment extends the right to the victim to make an impact statement prior to any plea bargain. Vote 13-2.

Amendment (3154B)

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim and permitting victim impact statements prior to any plea bargain agreement.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Limitation on Civil Actions. Amend RSA 632-A by inserting after section 10-a the following new section:

632-A:10-b Limitations on Civil Actions.

I. In this section "victim" means a person alleging to have been subjected to aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault, as defined in RSA 632-A:3 or sexual assault as defined in RSA 632-A:4. The term "victim" shall include the parent, guardian, or custodian of such person if the person is less than 18 years of age or if the person is mentally incapable of meaningfully understanding or participating in the legal process.

II. Neither the defendant in an aggravated felonious sexual assault, felonious sexual assault or a sexual assault case nor the parent or legal guardian of such defendant shall commence or maintain a civil action against a victim of the crime for which the defendant is charged if both of the following circumstances exist:

(a) The criminal action is pending in a trial court of this state, of another state, or of the United States.

(b) The civil action is based upon statements or reports made by the victim that pertain to an incident from which the criminal action is derived.

III. The court shall dismiss without prejudice a civil action commenced or maintained in violation of paragraph II.

IV. The period of limitations for the bringing of a civil action described in paragraph II is tolled for the period of time during which the criminal action is pending in a trial court of this state, or another state, or of the United States.

V. This section shall not apply:

(a) If the victim files a civil action based upon an incident from which the criminal action is derived against the defendant in the criminal action; or

(b) The court determines that there are reasonable grounds to believe that the delay would be prejudicial to the interest of justice.

2 Victim Impact Statement; Prior to Plea Bargaining Agreement. Amend RSA 21-M:8-k, II(p) to read as follows:

(p) The right to appear and make a written or oral victim impact statement at the sentencing of the defendant *or, in the case of a plea bargain, prior to any plea bargain agreement.*

3 Applicability. Section 1 of this act shall apply only if the criminal action against the defendant is based upon a crime allegedly committed after the effective date of this act.

4 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill prohibits a defendant in a sexual assault case from bringing certain civil actions against the victim.

This bill also permits a victim impact statement prior to any plea bargain agreement.

Reps. Lown and Newman spoke in favor.

Adopted.

Report adopted and ordered to third reading.

(Rep. Gross in the Chair)

The Rules Committee offered the following:

HOUSE RESOLUTION NO. 26

Amending House Rules as prescribed by House Resolution No. 1 Rule 34(c)

Amend the House Rules by inserting after 34(c) the following:

Introduction of Bills in the Second-year Session

34(d)

1. JULY 1, 1993 - Deadline for publication by the House Clerk of certain first-year session bill titles: The House Clerk shall publish lists of all bills which have been killed or re-referred in the first-year session, and all bills passed in the first-year session which created study committees due to report by November 1, 1993. Publication shall be in the House Calendar. The listings shall be both in numerical order by bill number/title, and by subject by bill number/title.

2. SEPTEMBER 1, 1993 - First day that requests for drafting of bills, including all supplementary or necessary drafting information for introduction in the second-year session may be filed with the Office of Legislative Services. The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services in the House Calendar. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services. A request shall not be accepted to draft any bill which is the same, or essentially the same, as any bill killed or re-referred in the first-year session unless approved for drafting and introduction by a majority vote of the House Rules Committee or a two-thirds vote of the House.

A request shall not be accepted to draft any bill which is the same, or essentially the same, as any other drafting request already accepted by the Office of Legislative Services for introduction in the second-year session, unless approved for drafting and introduction by a majority vote of the House Rules Committee or by a two-thirds vote of the House. However, the name of the House member whose LSR request was denied due to duplication may be substituted on request for that of the original sponsor should the original sponsor withdraw his/her drafting request prior to the deadline for sign-off of the bill.

Amend House Rule 67 by inserting after June 7, 1993 the following:

1. SEPTEMBER 1, 1993, Wednesday - First day that requests for drafting of bills for introduction in the second-year session may be filed with the Office of Legislative Services.

2. SEPTEMBER 17, 1993, Friday - Last day to file State-Agency bill-drafting requests.

3. OCTOBER 1, 1993, Friday - Last day to file bill-drafting requests for all other bills.

4. OCTOBER 15, 1993, Friday - Last day to sign off all State-Agency bills. It shall be 10 calendar days after receipt by the sponsor of the draft legislation from OLS, or October 15th, whichever day is earlier.
5. NOVEMBER 1, 1993, Monday - Last day to file all Study Committee reports along with suggested legislation in final form.
6. NOVEMBER 5, 1993, Friday - Last day to report all Re-referred bills from the first-year session.
7. NOVEMBER 12, 1993, Friday - Last day for sign off all Study Committee bills. It shall be 10 calendar days after receipt by the sponsor of the draft legislation from OLS, or November 12th, whichever day is earlier.
8. NOVEMBER 19, 1993, Friday - Last day to sign off all bills requiring fiscal notes (FNs). It shall be 10 calendar days after receipt by the sponsor of the draft legislation, or November 19th, whichever day is earlier.
9. DECEMBER 3, 1993, Friday - Last day to sign off all other bills. It shall be 10 calendar days after receipt by the sponsor of the draft legislation, or December 3rd, whichever day is earlier.
10. DECEMBER 17, 1993, Friday - Last day for the publication of all bills

Rep. Michael Hill spoke in favor.

Adopted and ordered to third reading.

REMOVED FROM THE TABLE

Rep. Arnold moved that **HR 12**, affirming revenue estimates for fiscal year 1993, be removed from the table. (Pending question: ordering to third reading)

Adopted.

The Committee on Ways and Means offered the following:

Amendment

State of New Hampshire
Ways and Means Committee report
to the House of Representatives
Compared to the Governor's Estimates
(000's Omitted)

93sewMME96LX
LBAO
06/28/93

GENERAL FUND	FY 1993				FY 1994				FY 1995			
	COMMITTEE ESTIMATE		GOVNR'S ESTIMATE		COMMITTEE ESTIMATE		GOVNR'S ESTIMATE		COMMITTEE ESTIMATE		GOVNR'S ESTIMATE	
	JUNE ESTIMATE	CONFERENCE ESTIMATE	APRIL ESTIMATE	JUNE ESTIMATE	JUNE ESTIMATE	CONFERENCE ESTIMATE	JUNE ESTIMATE	CONFERENCE ESTIMATE	JUNE ESTIMATE	CONFERENCE ESTIMATE	JUNE ESTIMATE	CONFERENCE ESTIMATE
BEER	11,367	11,000	11,500	11,500	11,500	11,500	12,000	12,000	12,000	12,000	12,000	12,900
BOARD AND CARE	22,468	34,800	34,800	36,600	36,600	36,600	36,600	36,600	41,300	78,500	41,348	41,348
MEDICAID HOSPITAL REIMB.	186,271	160,700	160,700	160,700	96,300	68,725	96,300	102,000	102,000	46,025	101,200	101,200
BUSINESS PROFITS TAX	81,664	117,000	118,000	118,000	127,000	150,000	128,000	136,000	136,000	137,500	136,000	136,000
ESTATE AND LEGACY TAXES	26,128	31,000	31,000	31,000	33,000	33,000	32,500	35,000	35,000	35,000	34,500	34,500
INSURANCE	44,869	49,000	49,000	47,860	50,000	50,000	50,000	51,000	51,000	51,000	51,000	51,000
INTEREST AND DIVIDENDS TAX	34,809	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
LIQUOR	62,483	63,000	63,000	63,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000	64,000
MISCELLANEOUS SALES	92,078	95,000	95,000	94,000	94,000	214,150	94,000	101,000	101,000	222,950	99,800	99,800
PAPRS INCOME	4,287	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
DOG RACING	4,819	4,000	4,000	4,700	4,000	4,000	4,200	4,000	4,000	4,000	4,000	4,000
HORSE RACING	3,142	2,800	2,800	2,458	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800
REAL ESTATE TRANSFER TAX	36,106	28,000	28,000	28,000	30,000	30,000	30,000	30,000	30,000	32,000	32,000	32,000
COMMUNICATIONS TAX	27,762	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	32,000	32,000	32,000
CHIGARETTE TAX	38,377	41,000	41,000	41,000	43,000	43,000	43,000	43,000	43,000	43,000	43,000	43,000
UTILITIES	22,998	24,000	24,000	24,000	24,000	18,500	18,500	18,500	18,500	18,500	18,500	18,500
OTHER	39,841	39,000	39,000	40,000	40,000	41,000	42,000	41,000	41,000	42,000	42,000	42,000
COURTS	19,683	19,500	19,500	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000	21,000
SAVINGS BANK TAX	7,446	3,000	3,000	4,000	3,500	3,500	4,000	4,000	4,000	4,000	4,000	4,000
TOTAL	748,304	793,500	794,500	781,208	786,000	851,550	781,100	788,400	862,155	791,649	791,649	791,649
HIGHWAY FUND												
GASOLINE ROAD TOLL	94,107	96,875	96,875	96,875	97,563	97,563	97,563	97,563	98,537	98,537	98,537	98,537
MOTOR VEHICLE FEES	55,025	54,540	54,540	54,540	56,070	56,070	56,070	56,729	56,729	56,729	56,729	56,729
MISCELLANEOUS	8,977	8,450	8,450	8,450	8,774	8,774	8,771	8,764	8,764	8,764	8,761	8,761
TOTAL	157,909	159,865	159,865	159,865	162,407	162,407	162,407	166,030	166,030	166,030	166,030	166,030
FISH AND GAME FUND												
FISH AND GAME LICENSES	5,746	6,015	6,015	6,015	5,816	5,816	5,816	5,816	5,816	5,816	5,816	5,816
FINES AND PENALTIES	90	85	85	85	89	89	89	89	89	89	89	89
MISCELLANEOUS SALES	504	492	492	492	166	166	166	166	166	166	166	166
INDIRECT COSTS	70	50	50	50	270	270	270	270	270	270	270	270
TOTAL	6,410	6,642	6,642	6,642	6,341	6,341	6,329	6,341	6,341	6,341	6,341	6,329

a Estimates for the Communications Tax at the rate of 8%, and for the Real Estate Transfer Tax at the rate of \$,525 per hundred.
b Estimates for the Communications Tax at the rate of 5.5%, and for the Real Estate Transfer Tax at the rate of \$.50 per hundred.

Rep. Cowenhoven spoke in favor and yielded to questions.
Adopted.

LAI D ON THE TABLE

Rep. Nichols moved that **HR 12**, affirming revenue estimates for fiscal year 1993, be laid on the table.

Adopted.

MOTION

Rep. St. Martin moved that the debate on the Governor's veto message on **HB 493**, relative to the purchasing of hypodermic needles and educating persons regarding needle disposal in New Hampshire, be printed in the Journal.

The motion failed.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, June 30, 1993 at 1:30 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HR 25, urging Congress to support the 1986 Land and Resource Management Plan for the White Mountain National Forest.

SB 112, prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim.

HR 26, amending House Rules as prescribed by House Resolution No. 1 Rule 34(c).

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 12:20 p.m.

HOUSE JOURNAL NO. 34

Wednesday, June 30, 1993

The House assembled at 1:30 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend David P. Jones, Pastor, St. Paul's Church in Concord.

Great and mighty God, rattle with the gentle dynamite of Your love, the minds and hearts of each person in this chamber. Fill them with the strength to never give up on what they think is right and remind them as they lead us that the person with big dreams is more powerful than the one with all the facts. Amen.

Rep. Pageotte led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Terninko, Mason, Record, Julie Brown, Dowd, McNerney and Caswell, the day, illness.

Reps. Bell, Dowling, Sargent, Regan, Dykstra, Crum, Gilbreth, Domini, Golden, Gagnon, Crory, Chabot, Eaton, Weeks, Langer, Franks, Elizabeth Moore, Gorman, Laflam, Williamson, Jay Ward, Ahlgren, Richard Hill, Joan Kane, Scanlan, Avery, Behrens, Gosselin, and Holmes, the day, important business.

Reps. DiPietro, Amanda Merrill, Braiterman and Marilyn Campbell, the day, illness in the family.

INTRODUCTION OF GUESTS

Glendon A. Moncrief, father of Rep. Moncrief. Margareth Widmer, guest of Rep. Trelfa. Deidre Lenan and Katherine McGrath, guest and daughter of Rep. McGrath. Ashley St. Martin, daughter of Rep. St. Martin. Randy Fesh, son of Rep. Fesh. Barry Clough, future father-in-law of Rep. Newland. James Kelly, guest of Rep. Whittemore.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 25-A, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations. (Report printed SJ 24, 7/1/93)

Reps. Warburton, Pepino and Kurk spoke against.

Reps. Gene Chandler and John Chandler spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 225

NAYS 101

YEAS 225

BELKNAP

Bartlett, Gordon
Hawkins, Robert
Smith, Linda

Cain, Thomas
Holbrook, Robert
Turner, Robert

Campbell, Richard, Jr.
Rosen, Ralph

Hauck, William
Salatiello, Thomas

CARROLL

Beach, Mildred
Dickinson, Howard, Jr.

Bradley, Jeb
Foster, Robert

Chandler, Gene
Lyman, L. Randy

Cogswell, Richard
Mock, Henry

CHESHIRE

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy

Burnham, Daniel
Delano, Robert
McGuirk, Paul
Perry, David
Royce, H. Charles

Champagne, Richard
Foster, Katherine
McNamara, Wanda
Pratt, Irene
Russell, Ronald

Cole, Stacey
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara
Smith, Edwin

COOS

Bradley, Paula
Horton, Lynn
Pratt, Leighton

Coulombe, Henry
Mayhew, Josephine
Wiswell, James

Foss, Frederic
Mears, Edgar

Hawkinson, Marie
Merrill, Gerald

GRAFTON

Adams, Carl
Copenhaver, Marion
McIlwaine, Deborah
Wadsworth, Karen

Bean, Pamela
Driscoll, William
Nordgren, Sharon
Ward, Kathleen

Brown, Alson
Guest, Robert
Teschner, Douglass

Brown, Patricia
LaMott, Paul
Trelfa, Richard

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Calawa, Leon, Jr.
Crotty, Edward
Ferguson, Charles
Gervais, Glen
Hart, Nick
Kelley, Dana
Laughlin, J. Francis
Mercer, Robert
Nardi, Theodore
Perkins, Paul
Reidy, Frank
Toomey, Kathryn
Wheeler, Robert

Ahern, Richard
Bergeron, Lucien
Cepaitis, Elizabeth
Drabinowicz, A. Theresa
Fields, Dennis
Greenberg, Gary
Healy, Daniel
Kelley, Robert
Lessard, Rudy
Messier, Irene
O'Rourke, Joanne
Peters, Stanley
Rheault, Lillian
Turgeon, Roland
White, John

Ahrens, Frederick
Bergeron, Normand
Clemons, Jane
Durham, Susan
Foster, Linda
Haettenschwiller, Alphonse
Holden, Carol
Kirby, Thomas
Lown, Elizabeth
Morrissette, Roland
Packard, Bonnie
Philbrook, Paula
Smith, Leonard
Vanderlosk, Stanley

Allen, W. Gordon
Buckley, Raymond
Cote, David
Dyer, Merton
Gage, Ruth
Hanselman, Gregory
Jean, Claudette
Lachut, Ervin
McCarty, Winston
Murphy, Robert
Paquette, Rodolphe
Plourde, Alphonse
Soucy, Donna
Wells, Peter, Sr.

MERRIMACK

Apple, Lowell
Chandler, John
Fillion, Paul
Johnson, C. William
Moore, Carol
Rogers, Katherine
Wallner, Mary Jane

Barbera, Richard
Daneault, Gabriel
French, Barbara
Johnson, Joyce May
Newland, Matthew
Soldati, Jennifer
Whittemore, James

Carter, Susan
Dunn, Miriam
Hill, Michael
Kidder, William
Owen, Derek
Teague, Bert
Yeaton, Charles

Chandler, Earle
Feuerstein, Martin
Houlahan, Thomas
Lockwood, Robert
Pfaff, Terence
Trombly, Rick

ROCKINGHAM

Aranda, M. Kathryn
Clark, Martha
Crossman, Harold, Jr.
Flanders, John, Sr.
Hurst, Sharlene
Katsakiores, Phyllis
McGovern, Cynthia
Richards, David
Skinner, Patricia
Syracusa, Anthony

Battles, Marjorie
Coes, Betsy
Drake, Herbert
Gage, Beverly
Johnson, Robert
Klemarczyk, Thaddeus
Moore, Benjamin
Rosencrantz, James
Splaine, James
Sytek, Donna

Bove, Martin
Conroy, Janet
Felch, Charles, Sr.
Groves, Bonnie
Kane, Cecelia
Klemm, Arthur, Jr.
O'Keefe, Patricia
Schanda, Joseph, Sr.
St. Martin, Tommy
Woods, Deborah

Chester, Sherman
Cote, Patricia
Flanagan, Natalie
Hemenway, Thomas
Katsakiores, George
Kruse, Fred
Pantelakos, Laura
Senter, Merilyn
Stritch, C. Donald
Yennaco, Carol

STRAFFORD

Callaghan, Frank
Hambrick, Patricia
Kincaid, William
McCann, William, Jr.
Musler, George
Pelletier, Arthur
Spear, Barbara
Wasson, Richard

Chagnon, Ronald
Hashem, Elaine
Knowles, William
McGrath, J. Gregory
Nehring, William
Pelletier, Marsha
Sullivan, Henry
Wheeler, Katherine

Dunlap, Patricia
Hemon, Roland
Loder, Suzanne
McKinley, Robert
O'Brien, John
Rogers, Rose Marie
Torr, Ann

Gilmore, Gary
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Pageotte, Donald
Snyder, Clair
Wall, Janet

SULLIVANAllison, David
Holl, AnnBurling, Peter
Lindblade, EricCloutier, John
Palmer, LorraineFlint, Gordon
Rodeschin, Beverly**NAYS 101
BELKNAP**Dewhirst, Glenn
Ziegra, Alice

Johnson, Carl

Lawton, David

Rice, Thomas, Jr.

CARROLL

Allard, Nanci

Philbrick, Donald

Wiggin, Allen

Wiggin, Gordon

CHESHIRE

Kingsbury, H. Thayer

Young, David

COOS

Guay, Lawrence

GRAFTONChase, Paul, Jr.
Rose, WilliamDow, David
White, Paul

Gordon, Edward

Ham, Bonnie

HILLSBOROUGHAndrews, Frederick
Bowers, Dorothy
Dodge, Emma
Fenton, James
Holt, Mark
Johnson, Lionel
Lozeau, Donnalee
Mittelman, David
Riley, Frances
Searles, Stanley, Sr.
Wright, GeorgeArnold, Barbara
Burke, M. Virginia
Domaingue, Jacquelyn
Hall, Betty
Hunter, Bruce
Kurk, Neal
Martin, Mary Ellen
Moncrief, Keith
Rodgers, G. Philip
Tate, JoanArnold, Thomas, Jr.
Daigle, Robert
Donovan, Francis
Holley, Sylvia
Jasper, Shawn
L'Heureux, Robert
McRae, Karen
Morello, Michael
Rothhaus, Finlay
Upton, BarbaraBagley, Amy
Daniels, Gary
Drolet, Paul
Holt, David
Jean, Loren
Lefebvre, Roland
Milligan, Robert
Pepino, Leo
Sallada, Roland
Weergang, Alida**MERRIMACK**Buessing, Marjorie
Stapleton, HenryKennedy, Richard
Whalley, MichaelNichols, Avis
Willis, Jack

Shaw, Randall

ROCKINGHAMArndt, Janet
Christie, Andrew, Jr.
Fesh, Robert
Malcolm, Kenneth
Noyes, Richard
Putnam, Ed, II
Smith, Arthur
Welch, DavidBeaulieu, Jon
Clark, Vivian
Flanders, David
McKinney, Betsy
Packard, Sherman
Raynowska, Bernard
Stone, Joseph
Weyler, KennethBlake, Daniel
Cote, Charles
Hutchinson, Karen
Miller, Don
Pratt, Katharin
Ritzo, Eugene
Sytek, JohnBoucher, William
Dube, LeRoy
Lovejoy, Marian
Newman, Rick
Pullman, Robert
Rubin, George
Warburton, Calvin**STRAFFORD**

Brown, George

Douglass, Clyde

Hilliard, Dana

Vincent, Francis

SULLIVAN

Peyron, Fredrik

and the Committee of Conference report was adopted.

Rep. Lionel Johnson voted nay and intended to vote yea.

Reps. Bill Johnson and Vaughn wished to be recorded in favor of the Committee of Conference report.

Rep. Gorman wished to be recorded in opposition to the Committee of Conference report.

RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, July 1, 1993 at 1:00 p.m.

Adopted.

UNANIMOUS CONSENT

Rep. Michael Hill addressed the House.

Rep. Ann Torr moved that the House stand in recess.

Adopted.

The House recessed at 2:10 p.m.

RECESS

Rep. Ann Torr moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 35

Thursday, July 1, 1993

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Rep. Calvin Warburton.

I came prepared to ask for Your guidance for the legislators this afternoon. But then I discovered that the troops already had guidance from their leaders. Further, I found that some of the troops did not accept that guidance and had their heads made up.

So, I decided to ask instead that You bless the members of the House, and give Your approval or forgiveness, as the case may be. Whatever decisions may be made, may they be for the benefit of New Hampshire and its citizens.

We pray also for the Senate. That body may need Your help even more than the House. Bless New Hampshire and this Honorable House. Amen.

Rep. French led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Terninko, Ahlgren, Mason, Dowd, Snyder and Record, the day, illness.

Reps. Elizabeth Moore, Bell, Dewhirst, Ralph Torr, Smart, Golden, Mark Holt, Boucher, Lucien Bergeron, Rose Marie Rogers, Richard Hill, Gorman, Franks, Dowling, Gilbreth, Gosselin and Laflam, the day, important business.

Reps. Driscoll and Braiterman, the day, illness in the family.

INTRODUCTION OF GUESTS

Matthew Allen, guest of Rep. Buckley. Justin Spenser, nephew of Rep. Newland. John Pelletier, guest of Rep. Trombly.

The Chair requested a quorum count and declared a quorum present.

PRESENTATION OF LEGISLATIVE BRANCH EMPLOYEE SERVICE AWARDS

Awards were presented to employees with 10 or more years of service: Jeffry Pattison, Mary Jane Turcotte, William Mitchell, Sandra Guinan, Warren Leary and Doris Grandmaison.

Awards were presented to employees with 20 or more years of service: Howard Mabry, James Mitchell and Jan Edmonds.

The House offered the following resolution:

HOUSE RESOLUTION NO. 27

Honoring the Office of Legislative Services on its 30th Anniversary.

WHEREAS, the Office of Legislative Services was established in 1963 by Chapter 297 of the New Hampshire Laws, and currently is observing its 30th anniversary, and

WHEREAS, the Office of Legislative Services does play a vital role in the process of developing legislation, laws, and rules which guide and protect the citizens of New Hampshire, and

WHEREAS, throughout those 30 years, the staff of Legislative Services has provided non-partisan, professional assistance to the General Court by drafting bills and amendments, doing legislative research, reviewing state agency rules, and carrying out various other administrative responsibilities, and

WHEREAS, the current 23-member staff of Legislative Services collectively represents more than 135 years experience, and

WHEREAS, the staff of Legislative Services carries out its responsibilities in a timely, efficient and cooperative manner while often laboring under stressful conditions, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the entire staff of Legislative Services be commended and thanked for its invaluable contributions to the work of the House, and be it further

RESOLVED, that the staff of Legislative Services be recognized alphabetically by name, to wit: Sharon L. Ayres, Debora A. Blake, S. Kay Culberson, Carolyn M. Duffin, Laura M. Dunn,

Scott F. Eaton, Justine M. Gingras, Briann G. Greenfield, Donald R. Hunter, Deborah A. Kane, Veronica A. Kenary, Richard M. Lambert, Susan E. Marshall, Lauren M. Moreira, Richard E. Nusbaum, Myla A. Padden, R. Christopher Rueggeberg, Laurel S. Rusch, Kathy J. Sher, Jill K. Sieveking, Sharon P. Simon, and Stephen M. Terravechia, and that a suitable copy of this resolution be prepared for presentation to the Director of Legislative Services.

Unanimously adopted by a rising vote.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the rules be so far suspended as to permit consideration at the present time of **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1994, and June 30, 1995, without the proper notice.

Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994 and June 30, 1995. (Report printed SJ 24, 7/1/93)

Reps. Trombly and Channing Brown spoke in favor.

Reps. Kennedy and Warburton spoke against.

Rep. Gross spoke in favor and yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 324

Bartlett, Gordon
Hawkins, Robert
Rice, Thomas, Jr.
Turner, Robert

Cain, Thomas
Holbrook, Robert
Rosen, Ralph
Young, Niel

YEAS 324 BELKNAP

Campbell, Richard, Jr.
Johnson, Carl
Salatiello, Thomas
Ziegra, Alice

NAYS 25

Hauck, William
Lawton, David
Smith, Linda

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Cole, Stacey
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara
Smith, Edwin

Bonneau, Sarah
DePecol, Benjamin
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy

Burnham, Daniel
Delano, Robert
McGuirk, Paul
Perry, David
Royce, H. Charles

Champagne, Richard
Foster, Katherine
McNamara, Wanda
Pratt, Irene
Russell, Ronald

COOS

Bradley, Paula
Harwell, Tyler
Mears, Edgar

Coulombe, Henry
Hawkinson, Marie
Merrill, Gerald

Foss, Frederic
Horton, Lynn
Pratt, Leighton

Guay, Lawrence
Mayhew, Josephine
Wiswell, James

GRAFTON

Bean, Pamela
Copenhaver, Marion
Guest, Robert
McIlwaine, Deborah
Teschner, Douglass
White, Paul

Brown, Alson
Croy, Elizabeth
Ham, Bonnie
Nordgren, Sharon
Trelfa, Richard

Brown, Channing
Eaton, Stephanie
LaMott, Paul
Rose, William
Wadsworth, Karen

Brown, Patricia
Gordon, Edward
Larson, Nils, Jr.
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor

Ahern, Richard
Arnold, Barbara

Ahrens, Frederick
Arnold, Thomas, Jr.

Allen, W. Gordon
Bagley, Amy

Bowers, Dorothy
 Cepaitis, Elizabeth
 Cowenhoven, Garret
 Dodge, Emma
 Drolet, Paul
 Dykstra, Leona
 Foster, Linda
 Greenberg, Gary
 Healy, Daniel
 Jasper, Shawn
 Kelley, Dana
 Lachut, Ervin
 Lessard, Rudy
 McRae, Karen
 Mittelman, David
 Murphy, Robert
 Paquette, Rodolphe
 Reidy, Frank
 Sallada, Roland
 Soucy, Donna
 Upton, Barbara
 Wheeler, Robert

Buckley, Raymond
 Chabot, Robert
 Crotty, Edward
 Domaingue, Jacquelyn
 Durham, Susan
 Fenton, James
 Gage, Ruth
 Haettenschwiller, Alphonse
 Holden, Carol
 Jean, Claudette
 Kelley, Robert
 Laughlin, J. Francis
 Lown, Elizabeth
 Mercer, Robert
 Moncrief, Keith
 Nardi, Theodora
 Perkins, Paul
 Rheault, Lillian
 Sargent, Maxwell
 Tate, Joan
 Vanderflosk, Stanley
 White, John

Burke, M. Virginia
 Clemons, Jane
 Daniels, Gary
 Donovan, Francis
 Dwyer, Patricia
 Ferguson, Charles
 Gagnon, Eugene
 Hanselman, Gregory
 Holley, Sylvia
 Jean, Loren
 Kirby, Thomas
 Leclerc, Charles
 McCarty, Winston
 Messier, Irene
 Morello, Michael
 O'Rourke, Joanne
 Peters, Stanley
 Riley, Frances
 Searles, Stanley, Sr.
 Toomey, Kathryn
 Weergang, Alida
 Wright, George

Calawa, Leon, Jr.
 Cote, David
 Desrosiers, William
 Drabinowicz, A. Theresa
 Dyer, Merton
 Fields, Dennis
 Gervais, Glen
 Hart, Nick
 Holt, David
 Johnson, Lionel
 L'Heureux, Robert
 Lefebvre, Roland
 McNemey, Daniel
 Milligan, Robert
 Morrisette, Roland
 Packard, Bonnie
 Philbrook, Paula
 Rodgers, G. Phillip
 Smith, Leonard
 Turgeon, Roland
 Wells, Peter, Sr.

MERRIMACK

Apple, Lowell
 Chandler, Earle
 Feuerstein, Martin
 Hall, Douglas
 Johnson, C. William
 Lockwood, Robert
 Regan, Maurice
 Stapleton, Henry
 Whalley, Michael

Barberia, Richard
 Chandler, John
 Fillion, Paul
 Hill, Michael
 Johnson, Joyce May
 Newland, Matthew
 Rogers, Katherine
 Trombly, Rick
 Whittemore, James

Buessing, Marjorie
 Daneault, Gabriel
 French, Barbara
 Holmes, Mary
 Kidder, William
 Owen, Derek
 Shaw, Randall
 Wallner, Mary Jane
 Yeaton, Charles

Carter, Susan
 Dunn, Miriam
 Gross, Caroline
 Houlahan, Thomas
 Langer, Ray
 Pfaff, Terence
 Soldati, Jennifer
 Weeks, John, Jr.

ROCKINGHAM

Aranda, M. Kathryn
 Blake, Daniel
 Chester, Sherman
 Conroy, Janet
 Crum, William, Jr.
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Johnson, Bill
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Miller, Don
 Pantelakos, Laura
 Raynowska, Bernard
 Schanda, Joseph, Sr.
 St. Martin, Tommy
 Sytek, John
 Williamson, William

Arndt, Janet
 Bove, Martin
 Christie, Andrew, Jr.
 Cote, Charles
 DiPietro, Carmela
 Fesh, Robert
 Groves, Bonnie
 Johnson, Robert
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Moore, Benjamin
 Pratt, Katharin
 Richards, David
 Senter, Marilyn
 Stone, Joseph
 Vaughn, Charles
 Woods, Deborah

Battles, Marjorie
 Campbell, Marilyn
 Clark, Martha
 Cote, Patricia
 Drake, Herbert
 Flanagan, Natalie
 Hemenway, Thomas
 Kane, Cecelia
 Kruse, Fred
 McGovern, Cynthia
 Noyes, Richard
 Pullman, Robert
 Ritzo, Eugene
 Skinner, Patricia
 Stritch, C. Donald
 Welch, David
 Yennaco, Carol

Beaulieu, Jon
 Caswell, Albert, Jr.
 Coes, Betsy
 Crossman, Harold, Jr.
 Dube, LeRoy
 Flanders, David
 Hurst, Sharleene
 Katsakiores, George
 Lee, Rebecca
 McKinney, Betsy
 O'Keefe, Patricia
 Putnam, Ed, II
 Rosencrantz, James
 Smith, Arthur
 Sytek, Donna
 Weyler, Kenneth

STRAFFORD

Brown, George
 Douglass, Clyde
 Hemon, Roland

Brown, Julie
 Dunlap, Patricia
 Hilliard, Dana

Callaghan, Frank
 Gilmore, Gary
 Keans, Sandra

Chagnon, Ronald
 Hambrick, Patricia
 Kincaid, William

Knowles, William
 McGrath, J. Gregory
 Musler, George
 Pelletier, Arthur
 Torr, Ann
 Wheeler, Katherine

Loder, Suzanne
 McKinley, Robert
 Nehring, William
 Pelletier, Marsha
 Torr, Franklin

Lundborn, Raymond
 Merrill, Amanda
 O'Brien, John
 Spear, Barbara
 Wall, Janet

McCann, William, Jr.
 Merritt, Deborah
 Pageotte, Donald
 Sullivan, Henry
 Wasson, Richard

SULLIVAN

Allison, David
 Domini, Irene
 Palmer, Lorraine
 Stamatakis, Carol

Behrens, Thomas
 Flint, Gordon
 Peyron, Fredrik

Burling, Peter
 Holl, Ann
 Rodeschin, Beverly

Cloutier, John
 Lindblade, Eric
 Schotanus, Merle

**NAYS 25
 BELKNAP**

None

CARROLL

Mock, Henry

CHESHIRE

Kingsbury, H. Thayer

Young, David

COOS

None

GRAFTON

Dow, David

HILLSBOROUGH

Andrews, Frederick
 Hunter, Bruce
 Pepino, Leo

Bergeron, Normand
 Kurk, Neal
 Plourde, Alphonse

Daigle, Robert
 Lozeau, Donnalee
 Rothhaus, Finlay

Hall, Betty
 Martin, Mary Ellen

MERRIMACK

Kennedy, Richard

Nichols, Avis

Willis, Jack

ROCKINGHAM

Clark, Vivian
 Rubin, George

Gage, Beverly
 Warburton, Calvin

Newman, Rick

Packard, Sherman

STRAFFORD

Vincent, Francis

SULLIVAN

None

and the report was adopted.

Reps. Syracuse and Carol Moore wished to be recorded in favor of the Committee of Conference report.

Rep. Gorman wished to be recorded in opposition to the Committee of Conference report.

RECESS

The Chair requested a quorum count and declared a quorum present.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the rules be so far suspended as to permit consideration at the present time of **HB 2-FN**, relative to state fees, funds, revenues and expenditures, without the proper notice.

Reps. Trombly and Gross spoke in favor.

On a division vote, 296 members having voted in the affirmative and 27 in the negative, the motion was adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 2-FN, relative to state fees, funds, revenues and expenditures. (Report printed SJ 24, 7/1/93)

Reps. Franklin Torr and Vaughn spoke in favor and yielded to questions.

Rep. Daniels spoke against.

Rep. Drake spoke against and yielded to questions.

Reps. Schotanus, Gross and Douglas Hall yielded to questions.

Roll call sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 285**NAYS 58****YEAS 285****BELKNAP**

Bartlett, Gordon
Hawkins, Robert
Smith, Linda

Cain, Thomas
Holbrook, Robert
Turner, Robert

Campbell, Richard, Jr.
Rosen, Ralph
Ziegra, Alice

Hauck, William
Salatiello, Thomas

CARROLL

Allard, Nanci
Cogswell, Richard
Philbrick, Donald

Beach, Mildred
Dickinson, Howard, Jr.
Saunders, Howard

Bradley, Jeb
Foster, Robert
Wiggin, Allen

Chandler, Gene
Lyman, L. Randy
Wiggin, Gordon

CHESHIRE

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Pratt, Irene
Russell, Ronald

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Richardson, Barbara
Smith, Edwin

Burnham, Daniel
Delano, Robert
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy

Champagne, Richard
Foster, Katherine
McGuirk, Paul
Perry, David
Royce, H. Charles

COOS

Bradley, Paula
Harwell, Tyler
Mears, Edgar

Coulombe, Henry
Hawkinson, Marie
Merrill, Gerald

Foss, Frederic
Horton, Lynn
Pratt, Leighton

Guay, Lawrence
Mayhew, Josephine
Wiswell, James

GRAFTON

Adams, Carl
Brown, Patricia
Eaton, Stephanie
LaMott, Paul
Teschner, Douglass
White, Paul

Bean, Pamela
Chase, Paul, Jr.
Gordon, Edward
Larson, Nils, Jr.
Trelfa, Richard

Brown, Alson
Copenhaver, Marion
Guest, Robert
Mcllwaine, Deborah
Wadsworth, Karen

Brown, Channing
Crary, Elizabeth
Ham, Bonnie
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
Amidon, Eleanor
Bagley, Amy
Calawa, Leon, Jr.
Cote, David
Donovan, Francis
Dwyer, Patricia
Ferguson, Charles
Gagnon, Eugene
Hart, Nick
Holt, David
Kelley, Dana
Lachut, Ervin

Ahern, Richard
Arnold, Barbara
Bergeron, Normand
Cepaitis, Elizabeth
Cowenhoven, Garret
Drabinowicz, A. Theresa
Dyer, Merton
Fields, Dennis
Greenberg, Gary
Healy, Daniel
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis

Ahrens, Frederick
Arnold, Thomas, Jr.
Bowers, Dorothy
Chabot, Robert
Crotty, Edward
Drolet, Paul
Dykstra, Leona
Foster, Linda
Haettenschwiller, Alphonse
Holden, Carol
Jean, Claudette
Kirby, Thomas
Leclerc, Charles

Allen, W. Gordon
Asselin, Robert
Buckley, Raymond
Clemons, Jane
Dodge, Emma
Durham, Susan
Fenton, James
Gage, Ruth
Hanselman, Gregory
Holley, Sylvia
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland

Lessard, Rudy
McRae, Karen
Morello, Michael
O'Rourke, Joanne
Philbrook, Paula
Sargent, Maxwell
Toomey, Kathryn
Wells, Peter, Sr.

Lown, Elizabeth
Mercer, Robert
Morrissette, Roland
Packard, Bonnie
Reidy, Frank
Searles, Stanley, Sr.
Turgeon, Roland
Wheeler, Robert

McCarty, Winston
Messier, Irene
Murphy, Robert
Paquette, Rodolphe
Rheault, Lillian
Smith, Leonard
Upton, Barbara
White, John

McNemey, Daniel
Milligan, Robert
Nardi, Theodora
Peters, Stanley
Sallada, Roland
Soucy, Donna
Vanderlosk, Stanley

MERRIMACK

Barberia, Richard
Daneault, Gabriel
French, Barbara
Holmes, Mary
Lockwood, Robert
Pfaff, Terence
Stapleton, Henry
Weeks, John, Jr.

Carter, Susan
Dunn, Miriam
Gross, Caroline
Houlahan, Thomas
Newland, Matthew
Regan, Maurice
Teague, Bert
Whalley, Michael

Chandler, Earle
Feuerstein, Martin
Hall, Douglas
Johnson, Joyce May
Nichols, Avis
Rogers, Katherine
Trombly, Rick
Whittemore, James

Chandler, John
Fillion, Paul
Hill, Michael
Kidder, William
Owen, Derek
Soldati, Jennifer
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Christie, Andrew, Jr.
Cote, Patricia
Flanagan, Natalie
Hurst, Sharfeene
Katsakiores, George
Lovejoy, Marian
Moore, Benjamin
Pratt, Katharin
Skinner, Patricia
Stritch, C. Donald
Welch, David

Arndt, Janet
Campbell, Marilyn
Clark, Martha
Crossman, Harold, Jr.
Flanders, David
Johnson, Bill
Klemarczyk, Thaddeus
McGovern, Cynthia
Newman, Rick
Richards, David
Splaine, James
Syracusa, Anthony
Williamson, William

Battles, Marjorie
Caswell, Albert, Jr.
Coes, Betsy
Crum, William, Jr.
Flanders, John, Sr.
Johnson, Robert
Kruse, Fred
McKinney, Betsy
O'Keefe, Patricia
Schanda, Joseph, Sr.
St. Martin, Tommy
Sytek, Donna
Woods, Deborah

Blake, Daniel
Chester, Sherman
Conroy, Janet
DiPietro, Carmela
Hemenway, Thomas
Kane, Cecelia
Lee, Rebecca
Miller, Don
Pantelakos, Laura
Senter, Marilyn
Stone, Joseph
Vaughn, Charles
Yennaco, Carol

STRAFFORD

Brown, George
Hambrick, Patricia
Kincaid, William
McCann, William, Jr.
Nehring, William
Pelletier, Marsha
Torr, Franklin

Callaghan, Frank
Hemon, Roland
Knowles, William
McGrath, J. Gregory
O'Brien, John
Spear, Barbara
Wall, Janet

Chagnon, Ronald
Hilliard, Dana
Loder, Suzanne
McKinley, Robert
Pageotte, Donald
Sullivan, Henry
Wasson, Richard

Dunlap, Patricia
Keans, Sandra
Lundborn, Raymond
Merritt, Deborah
Pelletier, Arthur
Torr, Ann
Wheeler, Katherine

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Lindblade, Eric
Schotanus, Merle

Cloutier, John
Palmer, Lorraine
Stamatakis, Carol

NAYS 58 BELKNAP

Johnson, Carl

Lawton, David

Rice, Thomas, Jr.

Young, Niel

CARROLL

Mock, Henry

CHESHIRE

Young, David

COOS

None

GRAFTON

Dow, David

Rose, William

HILLSBOROUGH

Andrews, Frederick
Hall, Betty
Lozeau, Donnalee
Perkins, Paul
Rothhaus, Finlay

Burke, M. Virginia
Hunter, Bruce
Mittelman, David
Plourde, Alphonse
Tate, Joan

Daigle, Robert
Jean, Loren
Moncrief, Keith
Riley, Frances
Weergang, Alida

Daniels, Gary
Kurk, Neal
Pepino, Leo
Rodgers, G. Philip
Wright, George

MERRIMACK

Buessing, Marjorie
Willis, Jack

Kennedy, Richard

Langer, Ray

Shaw, Randall

ROCKINGHAM

Beaulieu, Jon
Dube, LeRoy
Klemm, Arthur, Jr.
Pullman, Robert
Rosencrantz, James
Warburton, Calvin

Clark, Vivian
Felch, Charles, Sr.
Malcolm, Kenneth
Putnam, Ed, II
Rubin, George
Weyler, Kenneth

Cote, Charles
Fesh, Robert
Noyes, Richard
Raynowska, Bernard
Smith, Arthur

Drake, Herbert
Gage, Beverly
Packard, Sherman
Ritzo, Eugene
Sytek, John

STRAFFORD

Douglass, Clyde

Vincent, Francis

SULLIVAN

Domini, Irene

and the report was adopted.

Rep. Carol Moore wished to be recorded in favor of the Committee of Conference report.

Rep. Gorman wished to be recorded in opposition to the Committee of Conference report.

UNANIMOUS CONSENT

Rep. Buckley moved that the remarks of Rep. Soldati be printed in the Journal.

Adopted.

Rep. Soldati: Five years ago I was a freshman in this House and I can remember during my second year getting up to speak for the first time. I can tell you that this is the hardest speech I have ever given. I am more nervous today than I was that second year.

I have always felt that as we go through life it is a series of learning experiences. I am here today to thank each and every one of you who have been here during my tenure as a State Representative. So many of you have taught me so much. I am here today to tell you that I will be resigning effective sometime next week. I want to beg your indulgence for just one moment because there are some people I must thank personally. I have also prided myself on never having to speak with too many notes, but I am so nervous I had to have some notes. Before I thank these people I want to reassure the new legislators that if you feel lost sometimes, let me tell you a little story. At the end of my first year, I was so green and inexperienced. I remember being up in the hall on the third floor always afraid to go into the leadership office. It was at the end of the session. People were talking about that Christmas tree bill. "Oh my God, have you seen the Christmas tree bill?" I was thinking, oh, my God, what have they done to Christmas trees? Don't ever feel too naive. Never be afraid to ask questions.

I would like to thank a few of you. One person I would like to thank who is not here is Rep. Mary Chambers. She had faith in me my second term and asked me to join her leadership. I want to thank you Mary. Another person I'd like to thank — I tell you there are people in this House that I have learned from that don't know I've learned from them. Rep. O'Rourke, you have taught me so much. My observations of you, your forever smile, cheeriness, tenacity as a parti-

san have been a true inspiration to me and I thank you. Rep. Copenhaver, as a freshman when I would listen to you on the floor, very courageously you would get up and speak on bills that you knew may not have much of a chance but your dedication and devotion to those in this state who are less fortunate was a tremendous model for me and I thank you. Rep. Donna Sytek was my chairman last session and I admire her greatly. Watching her build consensus in the committee structure was an inspiration. She taught me a great deal in committee and on the floor. Rep. Gross. As a freshman I was very impressed with this remarkable woman. She has taught me two lessons. The first was in this past year. She is truly an inspiration in courage and I thank her for that. But mostly, as a freshman I would listen to her speak on the floor and I marveled. There was a hush over the House and she was absolutely spellbinding. I want to thank her because I spent almost two full years trying to understand why this woman is such a great speaker and she has taught me a great, great deal. Finally, I have to thank my leader, Rick Trombly. Who has been such a marvelous friend and leader. All the while with a wonderful sense of humor. I think he is a tremendous asset to this body and to the Democratic party. To him, I owe undying gratitude. I thank all of you House members. I have loved being here. Thank you for the lessons I've learned.

Reps. Trombly, Copenhaver and Stacey Cole addressed the House.

RECESS

The Chair requested a quorum count and declared a quorum present.

COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL

HB 51-FN-A, relative to establishing a tax on business enterprise value tax base and amending the business profits tax and business corporation act. (Report printed SJ 24, 7/1/93)

Reps. Cowenhoven, Jasper and Kurk spoke in favor and yielded to questions.

Reps. Hemon, Newman and William McCann spoke against.

Reps. Ham and Trombly spoke against and yielded to questions.

Reps. Donna Sytek and Gross spoke in favor.

Rep. Buckley yielded to questions.

Roll call request sufficiently seconded. The question being the adoption of the Committee of Conference report.

YEAS 201

NAYS 130

**YEAS 201
BELKNAP**

Bartlett, Gordon
Hawkins, Robert
Rice, Thomas, Jr.
Ziegler, Alice

Cain, Thomas
Holbrook, Robert
Rosen, Ralph

Campbell, Richard, Jr.
Johnson, Carl
Smith, Linda

Hauck, William
Lawton, David
Turner, Robert

CARROLL

Allard, Nanci
Dickinson, Howard, Jr.
Wiggin, Gordon

Beach, Mildred
Foster, Robert

Chandler, Gene
Saunders, Howard

Cogswell, Richard
Wiggin, Allen

CHESHIRE

Avery, Stephen
Manning, Joseph
Perry, David

Burnham, Daniel
McNamara, Wanda
Robertson, Timothy

Cole, Stacey
Metzger, Katherine
Royce, H. Charles

Delano, Robert
Pearson, Gertrude
Smith, Edwin

COOS

Foss, Frederic

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

GRAFTON

Adams, Carl
Brown, Patricia
LaMott, Paul
Trelfa, Richard

Bean, Pamela
Chase, Paul, Jr.
Larson, Nils, Jr.
Wadsworth, Karen

Brown, Alson
Dow, David
Rose, William
Ward, Kathleen

Brown, Channing
Eaton, Stephanie
Scanlan, David
White, Paul

HILLSBOROUGH

Ahrens, Frederick
 Arnold, Thomas, Jr.
 Cepaitis, Elizabeth
 Donovan, Francis
 Fenton, James
 Healy, Daniel
 Jean, Loren
 L'Heureux, Robert
 McNerney, Daniel
 Mittelman, David
 Pepino, Leo
 Sallada, Roland
 Vanderlosk, Stanley

Amidon, Eleanor
 Bowers, Dorothy
 Chabot, Robert
 Drolet, Paul
 Fields, Dennis
 Holden, Carol
 Kelley, Robert
 Lachut, Ervin
 McRae, Karen
 Moncrief, Keith
 Perkins, Paul
 Sargent, Maxwell
 Wells, Peter, Sr.

Andrews, Frederick
 Burke, M. Virginia
 Cowenhoven, Garret
 Durham, Susan
 Gagnon, Eugene
 Hunter, Bruce
 Kirby, Thomas
 Lefebvre, Roland
 Mercer, Robert
 Morello, Michael
 Peters, Stanley
 Searles, Stanley, Sr.
 Wheeler, Robert

Arnold, Barbara
 Calawa, Leon, Jr.
 Dodge, Emma
 Dyer, Merton
 Hart, Nick
 Jasper, Shawn
 Kurk, Neal
 McCarty, Winston
 Messier, Irene
 Packard, Bonnie
 Rheault, Lillian
 Smith, Leonard
 Wright, George

MERRIMACK

Barberia, Richard
 Chandler, John
 Hall, Douglas
 Kidder, William
 Pfaff, Terence
 Weeks, John, Jr.

Buessing, Marjorie
 Feuerstein, Martin
 Hill, Michael
 Langer, Ray
 Shaw, Randall
 Whalley, Michael

Carter, Susan
 Fillion, Paul
 Holmes, Mary
 Lockwood, Robert
 Stapleton, Henry
 Whittemore, James

Chandler, Earle
 Gross, Caroline
 Kennedy, Richard
 Nichols, Avis
 Teague, Bert
 Willis, Jack

ROCKINGHAM

Ardt, Janet
 Bove, Martin
 Conroy, Janet
 DiPietro, Carmela
 Fesh, Robert
 Hurst, Sharleene
 Klemarczyk, Thaddeus
 Lovejoy, Marian
 Moore, Benjamin
 Putnam, Ed, II
 Rubin, George
 Stone, Joseph
 Vaughn, Charles
 Yennaco, Carol

Battles, Marjorie
 Chester, Sherman
 Cote, Charles
 Drake, Herbert
 Flanagan, Natalie
 Johnson, Robert
 Klemm, Arthur, Jr.
 Malcolm, Kenneth
 Noyes, Richard
 Raynowska, Bernard
 Senter, Merilyn
 Stritch, C. Donald
 Warburton, Calvin

Beaulieu, Jon
 Christie, Andrew, Jr.
 Cote, Patricia
 Dube, LeRoy
 Flanders, David
 Katsakiores, George
 Kruse, Fred
 McKinney, Betsy
 Pratt, Katharin
 Richards, David
 Skinner, Patricia
 Sytek, Donna
 Weyler, Kenneth

Blake, Daniel
 Clark, Vivian
 Crossman, Harold, Jr.
 Felch, Charles, Sr.
 Flanders, John, Sr.
 Katsakiores, Phyllis
 Lee, Rebecca
 Miller, Don
 Pullman, Robert
 Ritzo, Eugene
 Smith, Arthur
 Sytek, John
 Williamson, William

STRAFFORD

Douglass, Clyde
 McKinley, Robert
 Torr, Ann

Dunlap, Patricia
 Nehring, William
 Torr, Franklin

Hilliard, Dana
 Pageotte, Donald
 Wasson, Richard

Kincaid, William
 Spear, Barbara

SULLIVAN

Behrens, Thomas
 Peyron, Fredrik

Domini, Irene
 Rodeschin, Beverly

Flint, Gordon
 Schotanus, Merle

Lindblade, Eric

**NAYS 130
BELKNAP**

Salatiello, Thomas

CARROLL

Bradley, Jeb

Lyman, L. Randy

Philbrick, Donald

CHESHIRE

Bonneau, Sarah
 Kingsbury, H. Thayer
 Richardson, Barbara

Champagne, Richard
 Lynch, Margaret
 Russell, Ronald

DePecol, Benjamin
 McGuirk, Paul
 Young, David

Foster, Katherine
 Pratt, Irene

COOS

Bradley, Paula	Coulombe, Henry	Harwell, Tyler	Hawkinson, Marie
Mayhew, Josephine	Mears, Edgar	Wiswell, James	

GRAFTON

Copenhaver, Marion	Crory, Elizabeth	Gordon, Edward	Guest, Robert
Ham, Bonnie	Teschner, Douglass		

HILLSBOROUGH

Ackerman, Philip	Ahern, Richard	Allen, W. Gordon	Asselin, Robert
Bagley, Amy	Bergeron, Normand	Buckley, Raymond	Clemons, Jane
Cote, David	Crotty, Edward	Daigle, Robert	Daniels, Gary
Drabinowicz, A. Theresa	Dwyer, Patricia	Ferguson, Charles	Foster, Linda
Gage, Ruth	Greenberg, Gary	Haettenschwiller, Alphonse	Hall, Betty
Hanselman, Gregory	Holley, Sylvia	Holt, David	Jean, Claudette
Johnson, Lionel	Laughlin, J. Francis	Leclerc, Charles	Lessard, Rudy
Lozeau, Donnalee	Martin, Mary Ellen	Milligan, Robert	Morrisette, Roland
Murphy, Robert	Nardi, Theodora	O'Rourke, Joanne	Philbrook, Paula
Plourde, Alphonse	Reidy, Frank	Rodgers, G. Philip	Rothhaus, Finlay
Soucy, Donna	Tate, Joan	Toomey, Kathryn	Turgeon, Roland
Upton, Barbara	Weergang, Alida	White, John	

MERRIMACK

Daneault, Gabriel	Dunn, Miriam	French, Barbara	Houlahan, Thomas
Johnson, Joyce May	Moore, Carol	Newland, Matthew	Rogers, Katherine
Soldati, Jennifer	Trombly, Rick	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Caswell, Albert, Jr.	Clark, Martha	Coes, Betsy	Crum, William, Jr.
Gage, Beverly	Hemenway, Thomas	Kane, Cecelia	McGovern, Cynthia
Newman, Rick	Packard, Sherman	Pantelakos, Laura	Rosencrantz, James
Schanda, Joseph, Sr.	Splaine, James	St. Martin, Tommy	Syracusa, Anthony
Welch, David	Woods, Deborah		

STRAFFORD

Brown, George	Callaghan, Frank	Chagnon, Ronald	Hambrick, Patricia
Hemon, Roland	Keans, Sandra	Knowles, William	Loder, Suzanne
Lundborn, Raymond	McCann, William, Jr.	McGrath, J. Gregory	Merrill, Amanda
Merritt, Deborah	O'Brien, John	Pelletier, Arthur	Pelletier, Marsha
Sullivan, Henry	Vincent, Francis	Wall, Janet	Wheeler, Katherine

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Holl, Ann
Palmer, Lorraine			

and the Committee of Conference report was adopted.

Reps. Marilyn Campbell and Gorman wished to be recorded in opposition to the Committee of Conference report.

LEGISLATIVE INTENT

Rep. Kurk moved that certain remarks of Rep. Donna Sytek be printed in the Journal.

Adopted.

Rep. Donna Sytek: HB 51 will become effective today, July 1, 1993. In addition to establishing the new Business Enterprise Tax, the bill enacts a new substituted rate for one tax, renews the substituted rate for another tax, and replaces a surcharge with a substituted rate for a third tax. The previous substituted rates and surcharge, each enacted in 1991, sunsetted yesterday, June 30, 1993. Those 1991 provisions affected the real estate transfer tax (Chapter 78-B), the meals and rooms tax (Chapter 78-A), and the communications services tax (Chapter 82-A). It is

the Legislature's intent that the substituted rates imposed under HB 51 will take effect today and that there will be no reversion to pre-1991 statutory rates by virtue of any time gap between the sunseting of the prior provisions and the enactment of HB 51.

It is thus our intention that there be no reversion to any pre-1991 rates by virtue of our action today.

**SENATE MESSAGE
CONCURRENCE WITH AMENDMENT**

SB 112, prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim and permitting victim impact statements prior to any plea bargain agreement.

ENROLLED BILLS AMENDMENTS

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994, and June 30, 1995.

Amendment (3276B)

Amend paragraph II of section 24 of the bill by replacing lines 2 and 3 with the following: ending June 30, 1994, and \$150,000 for the fiscal year ending June 30, 1995, for the purpose of motor vehicle acquisition by agencies. The

Adopted.

HB 2-FN, relative to state fees, funds, revenues and expenditures.

Amendment (3280B)

Amend section 55 of the bill by replacing lines 2 and 3 with the following: paragraph VII the following new paragraph:

VIII. Implementing the children's health plan under RSA 167:66-68.

Amend section 60 of the bill by replacing lines 2 and 3 with the following: RSA 167:3-c by inserting after paragraph VIII the following new paragraph:

IX. The amount of earned income to be disregarded for purposes of

Amend section 70 of the bill by replacing line 2 with the following:

The initial terms of the members of Skyhaven airport operation commission, appointed pursuant to 422:47,

Amend section 109 of the bill by replacing it with the following:

109 Family and Charitable Remainder Trusts. Amend RSA 77-E:1, VI(d) and (e) to read as follows:

(d) Policyholder dividends as defined under section 808 of the United States Internal Revenue Code, to the extent such dividends are not reduced pursuant to section 809 of the United States Internal Revenue Code; [or]

(e) Payment of interest on deposits of depositors of a mutual bank or credit union; *or*

(f) *Distributions of money or property to or on behalf of beneficiaries of a trust which is either subject to taxation under section 641 or described in section 664 of the United States Internal Revenue Code, provided that, this subparagraph shall apply only to the extent that such trust limits its activities to personal investment activities which do not constitute business activities, and those incidental to or in support of such personal investment activities.*

Amend the bill by inserting after section 110 the following and renumbering the original section 111 to read as section 112:

111 Provisions Contingently Voided.

I. If HB 2-FN takes effect before SB 209-FN-A, then SB 209-FN-A shall not take effect.

II. If SB 209-FN-A takes effect before HB 2-FN, then the provisions of SB 209-FN-A shall be null and void and of no effect.

Adopted.

HB 51-FN-A, to enhance economic efficiency and fiscal equity, to mitigate the discriminatory effects of multiple taxation, ensure consistent treatment in the application of tax credits, reduce the rate of the business profits tax, increase the rate of return on venture capital investment and adjust tax rates to promote and finance economic expansion, security and opportunity.

Amendment (3232B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to establishing a tax on business enterprise value tax base,
amending the business profits tax and business corporation act,
and relative to certain tax credits.

Amend RSA 21-J:31 as inserted by section 2 of the bill by replacing line 9 with the following:
77:18-b, RSA 77-A:9, **RSA 77-E:8**, RSA 83-C:6, or RSA 84-A:7,

Amend RSA 21-J:33-a, I as inserted by section 3 of the bill by replacing lines 2-3 with the following:

RSA 77, RSA 77-A, **RSA 77-E**, RSA 78-A, RSA 78-C, RSA 82-A, *or* RSA 83-C, [or RSA 84-A,] for any taxable period, there shall be added to

Amend RSA 77-A:1, I as inserted by section 5 of the bill by replacing line 2 with the following:

corporation, partnership, limited liability company, proprietorship,

Amend RSA 77-A:1, I as inserted by section 5 of the bill by replacing line 16 with the following:

not taxable under RSA 77-A:2-c. A partnership, limited liability company, estate, trust, "S"

Amend RSA 77-E:11, II(c) as inserted by section 19 of the bill by replacing it with the following:

(c) The recovery of any tax, interest on tax, additions to tax, or penalties imposed by RSA 77-E or RSA 21-J; and

Amend RSA 77-E:12, I(a) as inserted by section 19 of the bill by replacing line 6 with the following:

additions to tax, interest, or penalties for taxes administered by the department are due and

Amend RSA 77-E:12, I(b) as inserted by section 19 of the bill by replacing line 7 with the following:

additions to tax, interest, or penalties for taxes administered by the department are due and

Amend RSA 77-E:12, II as inserted by section 19 of the bill by replacing line 7 with the following:

commissioner determines that no returns, tax, additions to tax, interest, or penalties for

Amend RSA 77-E:12, III as inserted by section 19 of the bill by replacing line 7 with the following:

commissioner determines that no returns, tax, additions to tax, interest, or penalties for

Amend RSA 77-E:13 as inserted by section 19 of the bill by replacing line 6 with the following:

pursuant to RSA 77-A:5, X, against such individual member's portion of the

Amend RSA 83-C:2-a as inserted by section 20 of the bill by replacing line 8 with the following:

RSA 77-A:5, X.

Amend RSA 400-A:34-a as inserted by section 31 of the bill by replacing lines 6-13 with the following:

and then pursuant to RSA 77-A:5, X. The taxes paid pursuant to RSA 77-E by an individual member of a unitary business within the meaning of RSA 77-A:1, XIV shall be allowed as a credit against any other individual member's liability under this chapter. To the extent the credit for taxes paid pursuant to RSA 77-E exceeds the taxes imposed under this chapter, such excess shall be deemed to be taxes imposed under RSA 77-E and shall be allowed as a credit against the taxes due under RSA 77-A as provided by RSA 77-A:5, X.

Amend section 35 of the bill by replacing line 3 with the following:

liabilities accruing under RSA 304-B or 305-A as amended prior to and up to

Amend paragraph IV as inserted by section 39 of the bill by replacing line 1 with the following:

IV. The amount allowed as credit pursuant to RSA 77-A:5, X, for

Amend section 42 of the bill by replacing paragraph VII with the following:

VII. Sections 2-3 and 5 of this act shall take effect July 1, 1993, at 12:01 a.m.

VIII. The remainder of this act shall take effect July 1, 1993.

Amend the bill by inserting after section 41 the following new section and renumbering section 42 to read as 43:

42 Paragraph Renumbering. RSA 77-A:1, XXIV, as inserted by 1993, 313:10 (HB 690-FN), is renumbered to read as RSA 77-A:1, XXIII-a.

Adopted.

HB 164, relative to workers' compensation lump sum payments, safety reviews, establishing an insurance fraud investigation unit, and studying workers' compensation disability payments.

Amendment (3277B)

Amend the title of the bill by replacing it with the following:

AN ACT

relative to workers' compensation lump sum payments, safety inspections, establishing an insurance fraud investigation unit and establishing a committee to study workers' compensation costs.

Adopted.

SB 112, prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim and permitting victim impact statements prior to any plea bargain agreement. (Amendment printed SJ 24, 7/1/93)

Adopted.

ENROLLED BILLS REPORT

HB 1, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1994, and June 30, 1995.

HB 2, relative to state fees, funds, revenues and expenditures.

HB 25, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations.

HB 51, relative to establishing a tax on business enterprise value tax base, amending the business profits tax and business corporation act, and relative to certain tax credits.

HB 164, relative to workers' compensation lump sum payments, safety inspections, establishing an insurance fraud investigation unit and establishing a committee to study workers' compensation costs.

SB 112, prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim and permitting victim impact statements prior to any plea bargain agreement.

Sen. Currier, Rep. Dunn for the Committee

RESOLUTION

Reps. Gross and Trombly offered the following:

RESOLVED, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of an address by His Excellency Governor Stephen Merrill.

Adopted.

RECESS

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of an address by His Excellency Stephen Merrill.

JOINT CONVENTION

(Speaker presiding)

His Excellency Governor Steve Merrill addressed the Joint Convention.

Mr. Senate President and Mr. Speaker and distinguished members of the House and Senate. I want to say thank you for participating with me in the most exciting event that takes place on this earth. That is American participatory democracy. There is nothing like it. Men and women throughout the world would literally give their lives so that their children or children's children could enjoy what you and I take for granted every day.

You have come here for so little money to do so much good for the people of this state. I know that because today I stood shoulder to shoulder with my newest friend, Senate President, Ralph

Hough. That should keep people chattering for a while. The Senate President and I have disagreed in the past and we will do so in the future but when we believe there is a common good to be gained for the people of this State, we do so. I commend him for it and for his leadership and the Speaker of the House for his magnificent leadership throughout this year and for his continually being such a gentleman.

I thank Rick Trombly for three things. Number one, for mentioning today in public that I won by an 83,000 vote margin. Number two, for mentioning that he reads the Union Leader at all, which I think is probably good for him. Number three, for being a good guy who helps this process.

I don't know how many of you intend to return here two years from now or four years from now to make the same kind of effort that you have, but I want to introduce you to someone who will be here making that same kind of effort, Caroline Gross.

Ladies and gentleman through it all we've balanced a budget; we've produced a surplus; we are sending money back to the cities and towns; we've worked hard on worker's compensation and we're going to work even harder in the future. We've worked for some business tax reform which is open to further discussion so let's discuss it; let's improve it; let's make it better for the businesses of this State. I've been outspoken on utilities and banks and their need to participate.

I want to close by saying this. You and your participation are the most important reasons that we are leading New England out of the most prolonged recession since World War II. That has never happened in any of the other recessions since World War II. New Hampshire is first. We are going to stay first because of men and women and their dedication. One of them is here today. He has served state government for 20 years. He is a friend of mine, Warren Leary. From the Sergeant-at-Arms to those that give guided tours, it is all important because they judge our State by the way they are treated. Not just at the toll booths where they get treated the best of any place in the country, but by those all over our state, whether they are on Hampton Beach or Mount Washington. This is a unique place to live and work and raise a family. It is a great State and it is made greater by the participation of all of you. Thank you and God bless you.

Sen. Delahunty and Rep. Gross moved that the Joint Convention arise.

Adopted and the Joint Convention adjourned.

MOTION TO DISPOSE OF OUTSTANDING HOUSE BILLS

Reps. Gross and Trombly moved that those bills not reported by Committees of Conference (**HB 200, and HB 390**) and those bills Laid on the Table (**HB 344, HB 658 and HR 12**) be found Inexpedient to Legislate.

Adopted.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HR 27, honoring the Office of Legislative Services on its 30th Anniversary.

UNANIMOUS CONSENT

Reps. Gross, Michael Hill and Guay addressed the House.

Rep. Gross moved that the House stand in recess for the purpose of Enrolled Bill Amendments, Enrolling Reports and Veto Messages only.

Adopted.

The House recessed at 8:10 p.m.

RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

HOUSE JOURNAL NO. 36

Wednesday, September 15, 1993

The House assembled at 10:00 a. m., as determined by the Chair, and was called to order by the Speaker.

His Excellency Governor Stephen Merrill joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O Lord, we give thanks for the seeds of reconciliation that are being sown by leaders of the Middle East. And we pray that You would grant unto them and us that peace which the world can neither give nor take away. Make us instruments of Your peace, O God; refresh us with a new vision, and grant us the courage to follow wherever it leads. Amen.

Rep. Hawkinson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Perry, Mason and Apple, the day, illness.

Reps. David Flanders, Kirby, Earle Chandler, Lindblade, Gerald Merrill, Haettenschwiller, Wiswell, Weergang, Blake, Stapleton, Marsha Pelletier and Dewhirst, the day, important business.

Rep. Senter, the day, death in the family.

Rep. Donovan, the day, illness in the family.

INTRODUCTION OF GUESTS

Luise Zchau, Ruth Owen and Reba Plante, guest, wife and mother-in-law of Rep. Owen. Richard Parker, guest of Rep. Desrosiers.

SPECIAL GUESTS

Members of the 1st Battalion, Queen's Household Division, Scots Guards performed for the House. Guests of Rep. Avery.

COMMUNICATION

Harold W. Burns, Speaker

It is with deep regret that as of July 21, 1993 I will have to resign my seat as New Hampshire State Representative for Hillsborough County, District 33.

We are now residing in Campbell, California. My husband has relocated here and I'm about to embark on a new career. I've enjoyed knowing and working with you in Concord and I thank you and your staff for all the help you have given me over the years. I will miss being part of the decision-making process and also the many friends I have made over the years. I would appreciate it if you would please take all the necessary steps and let me know if I have to take any further action.

Thanks again for all your assistance in this matter.

Bonnie Lou McCann

The Committee on Environment and Agriculture offered the following:

HOUSE RESOLUTION NO. 28

memorializing Representative Maggie B. Terninko of Nottingham

WHEREAS, we have learned with great sorrow of the death of Representative Maggie B. Terninko of Nottingham, and

WHEREAS, as a respected member of the New Hampshire House of Representatives, Maggie Terninko faithfully served the voters of District Two in the County of Rockingham, first during the biennium of 1991-92, then in the 1993 Session until her death on July 18, and

WHEREAS, during her tenure as an elected Representative, Maggie Terninko served as a distinguished and untiring member of the Committee on Environment and Agriculture and the Committee on State and Federal Relations, and

WHEREAS, having earned a bachelor's degree from Mount St. Mary's College in Hooksett and master's degrees from the University of Michigan and Emmanuel College in Boston, Maggie Terninko's knowledge and experience led members of the New Hampshire Dietetic Association to elect her president of the association in 1971, and

WHEREAS, having served her community as a Sister of Mercy, and as a teacher, Maggie Terninko also served her local government as a member of the Nottingham Conservation Committee, and was awarded the Susan B. Anthony Award for 1992, and

WHEREAS, Maggie personified courage and determination in every moment of her presence in the House of Representatives, and brought honor to her constituents and all the people of New Hampshire through her service here, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Maggie B. Terninko be publicly recognized and given highest commendation for her dedicated service to her constituents, her community and her state, and be it further

RESOLVED, that expressions of deepest sympathy be extended to her family and that a suitable copy of this resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote.

REMARKS

Rep. Cole moved that the remarks of Rep. Trombly be printed in the Journal.

Adopted.

Rep. Trombly: When I first met Maggie Terninko, she was a freshman on the Committee on Environment and Agriculture. She, Rep. Hanselman and I would adjourn from committee hearings, some of them long, and share a nice lunch. She was always cheerful; she was always happy; and she always said good things about people. She always understood that individual short comings were not things to be criticized, but things to be worked on. I have never learned the meaning of courage in such a personal way as watching Maggie struggle over these past few years. She was always a gentle lady. She was always kind. She was frustrated by the process here in the House, in the Senate and in the state of New Hampshire but she never gave up on it. She never walked away from a problem. She always tried to work to solve it. Maggie Terninko represented everything that is good about the New Hampshire House of Representatives. While she may not be with us in body, she most certainly is with us in spirit. I'll miss Maggie because I can't talk with her. I know that when we do what is right for the people, we will do it in Maggie's memory.

RESOLUTION

It's introduction having been approved by the Rules Committee: Reps. Gross and Trombly offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 27-A, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 27-A, establishing a study committee to examine 2 options relative to the establishment of a new district court facility in the city of Manchester, and amending certain appropriations in HB 25-A. (Gross, Merr/ 18; Trombly, Merr/4; Disnard, Dist/8; Delahunty, Dist/22, to Public Works)

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the rules be so far suspended as to permit consideration at the present time of **HB 27-A**, establishing a study committee to examine 2 options relative to the establishment of a new district court facility in the city of Manchester, and amending certain appropriations in HB 25-A.

Adopted by the necessary two-thirds.

Rep. Gene Chandler moved that the report of the Committee be Ought to Pass, spoke in favor and yielded to questions.

Rep. Gross yielded to questions and spoke in favor.

Rep. Trombly spoke in favor.

Roll call request sufficiently seconded. The question being the adoption of the Committee report.

YEAS 336

Bartlett, Gordon
Hauck, William
Salatiello, Thomas

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Russell, Ronald

Bradley, Paula
Hawkinson, Marie
Pratt, Leighton

Adams, Carl
Brown, Channing
Croy, Elizabeth
Guest, Robert
Larson, Nils, Jr.
Teschner, Douglass
White, Paul

Ackerman, Philip
Allen, W. Gordon
Asselin, Robert
Borsa, Andrew
Calawa, Leon, Jr.
Cote, David
Daniels, Gary
Durham, Susan
Fenton, James
Franks, Suzan
Gossein, Gerald
Hart, Nick
Holt, Mark
Kelley, Dana
Lachut, Ervin
Lessard, Rudy
McCarty, Winston
Messier, Irene
Moore, Elizabeth
Nardi, Theodora
Perkins, Paul

Cain, Thomas
Hawkins, Robert
Smith, Linda

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Riley, William
Smith, Edwin

Coulombe, Henry
Horton, Lynn

Bean, Pamela
Brown, Patricia
Driscoll, William
Ham, Bonnie
McLwaine, Deborah
Trelfa, Richard

Ahern, Richard
Amidon, Eleanor
Bagley, Amy
Bowers, Dorothy
Cepaitis, Elizabeth
Cowenhoven, Garret
Desrosiers, William
Dwyer, Patricia
Ferguson, Charles
Gage, Ruth
Greenberg, Gary
Healy, Daniel
Jasper, Shawn
Kelley, Robert
Laughlin, J. Francis
Lown, Elizabeth
McNerney, Daniel
Milligan, Robert
Morello, Michael
O'Rourke, Joanne
Peters, Stanley

NAYS 29

Campbell, Richard, Jr.
Holbrook, Robert
Turner, Robert

Golden, Paul
Rosen, Ralph
Ziegra, Alice

CARROLL

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy

Champagne, Richard
Hunt, John
McGuirk, Paul
Pratt, Irene
Royce, H. Charles

COOS

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

GRAFTON

Below, Clifton
Chase, Paul, Jr.
Eaton, Stephanie
Hill, Richard
Nordgren, Sharon
Wadsworth, Karen

Brown, Alson
Copenhaver, Marion
Gordon, Edward
LaMott, Paul
Scanlan, David
Ward, Kathleen

HILLSBOROUGH

Ahlgren, Madelyn
Arnold, Barbara
Bergeron, Lucien
Buckley, Raymond
Chabot, Robert
Crotty, Edward
Drabinowicz, A. Theresa
Dyer, Merton
Fields, Dennis
Gagnon, Eugene
Hall, Betty
Holden, Carol
Jean, Claudette
Kurk, Neal
Leclerc, Charles
Lozeau, DonnaLee
McRae, Karen
Mittelman, David
Morrissette, Roland
Packard, Bonnie
Philbrook, Paula

Ahrens, Frederick
Arnold, Thomas, Jr.
Bergeron, Norman
Burke, M. Virginia
Clemons, Jane
Daigle, Robert
Drolet, Paul
Dykstra, Leona
Foster, Linda
Gervais, Glen
Hanselman, Gregory
Holley, Sylvia
Johnson, Lionel
L'Heureux, Robert
Lefebvre, Roland
Martin, Mary Ellen
Mercer, Robert
Moncrief, Keith
Murphy, Robert
Paquette, Rodolphe
Plourde, Alphonse

Record, Alice
Sallada, Roland
Soucy, Donna
Turgeon, Roland
Wheeler, Robert

Reidy, Frank
Sargent, Maxwell
Soucy, Richard
Upton, Barbara
White, John

Rheault, Lillian
Searles, Stanley, Sr.
Tate, Joan
Vanderlosk, Stanley

Rothhaus, Finlay
Smart, John
Toomey, Kathryn
Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
Chandler, John
Fillion, Paul
Hall, Douglas
Johnson, C. William
Langer, Ray
Nichols, Avis
Rogers, Katherine
Wallner, Mary Jane
Willis, Jack

Braiterman, Thea
Daneault, Gabriel
French, Barbara
Hill, Michael
Johnson, Joyce May
Lockwood, Robert
Owen, Derek
Shaw, Randall
Ward, Jay
Yeaton, Charles

Buessing, Marjorie
Dunn, Miriam
Gilbreth, Robert
Holmes, Mary
Kennedy, Richard
Moore, Carol
Pfaff, Terence
Soldati, Jennifer
Weeks, John, Jr.

Carter, Susan
Feuerstein, Martin
Gross, Caroline
Houlahan, Thomas
Kidder, William
Newland, Matthew
Regan, Maurice
Trombly, Rick
Whalley, Michael

ROCKINGHAM

Aranda, M. Kathryn
Bove, Martin
Christie, Andrew, Jr.
Conroy, Janet
DiPietro, Carmela
Flanagan, Natalie
Gorman, Donald
Hurst, Sharleene
Kane, Cecelia
Klemm, Arthur, Jr.
McGovern, Cynthia
Noyes, Richard
Pratt, Katharin
Rosencrantz, James
Splaine, James
Sytek, Donna
Welch, David
Yennaco, Carol

Arndt, Janet
Campbell, Marilyn
Clark, Martha
Cote, Patricia
Dowd, Sandra
Flanders, John, Sr.
Groves, Bonnie
Hutchinson, Karen
Katsakiores, George
Lee, Rebecca
McKinney, Betsy
O'Keefe, Patricia
Pullman, Robert
Schanda, Joseph, Sr.
St. Martin, Tommy
Sytek, John
Weyler, Kenneth

Battles, Marjorie
Caswell, Albert, Jr.
Clark, Vivian
Crossman, Harold, Jr.
Drake, Herbert
Gage, Beverly
Hazelton, Robert
Johnson, Bill
Katsakiores, Phyllis
Lovejoy, Marian
Miller, Don
Packard, Sherman
Richards, David
Simon, Peter
Stritch, C. Donald
Vaughn, Charles
Williamson, William

Boucher, William
Chester, Sherman
Coes, Betsy
Crum, William, Jr.
Fesh, Robert
Gargiulo, Louis
Hemenway, Thomas
Johnson, Robert
Klemarczyk, Thaddeus
Malcolm, Kenneth
Newman, Rick
Pantelakos, Laura
Ritzo, Eugene
Skinner, Patricia
Syracusa, Anthony
Warburton, Calvin
Woods, Deborah

STRAFFORD

Brown, George
Dunlap, Patricia
Hemon, Roland
Knowles, William
McGrath, J. Gregory
Musler, George
Pelletier, Arthur
Sullivan, Henry
Wall, Janet

Callaghan, Frank
Gilmore, Gary
Hilliard, Dana
Loder, Suzanne
McKinley, Robert
Nehring, William
Rogers, Rose Marie
Torr, Ann
Wasson, Richard

Chagnon, Ronald
Hambrick, Patricia
Keans, Sandra
Lundborn, Raymond
Merrill, Amanda
O'Brien, John
Snyder, Clair
Torr, Franklin
Wheeler, Katherine

Douglass, Clyde
Hashem, Elaine
Kincaid, William
McCann, William, Jr.
Merritt, Deborah
Pageotte, Donald
Spear, Barbara
Vincent, Francis

SULLIVAN

Allison, David
Flint, Gordon
Peyron, Fredrik

Behrens, Thomas
Holl, Ann
Rodeschin, Beverly

Burling, Peter
Kane, Joan
Schotanus, Merle

Cloutier, John
Palmer, Lorraine

NAYS 29 BELKNAP

Johnson, Carl

Lafiam, Robert

Rice, Thomas, Jr.

Young, Niel

CARROLL

None

CHESHIRE

Delano, Robert

Young, David

COOS

Harwell, Tyler

GRAFTON

Rose, William

HILLSBOROUGH

Andrews, Frederick

Dodge, Emma

Hunter, Bruce

Jean, Loren

Pepino, Leo

Riley, Frances

Smith, Leonard

Wright, George

MERRIMACK

Whittemore, James

ROCKINGHAM

Beaulieu, Jon

Cote, Charles

Dube, LeRoy

Felch, Charles, Sr.

Moore, Benjamin

Putnam, Ed, II

Raynowska, Bernard

Rubin, George

Smith, Arthur

Stone, Joseph

STRAFFORD

Torr, Ralph

SULLIVAN

Domini, Irene

and the report was adopted.

Ordered to third reading.

Reps. Bell and Julie Brown wished to be recorded in favor of the bill.

Rep. Dow wished to be recorded in opposition to the bill.

RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today, it will be to the call of the Chair.

Third reading and final passage

HB 27-A, establishing a study committee to examine 2 options relative to the establishment of a new district court facility in the city of Manchester, and amending certain appropriations in **HB 25-A**.

GOVERNOR'S VETO MESSAGE ON HB 25

July 7, 1993

The Honorable Members of the General Court:

I hereby veto **HB 25**, the Capital Budget. Political wisdom may dictate that I should sign this bill, but I cannot do so and protect the taxpayers' interests.

First, this bill spends \$13 million dollars more than the Governor's recommended budget, raising the capital expenditures from \$51,200,000 to \$65,100,000. It is impossible to justify this amount of additional spending in the Capital Budget at a time when the budgets of over half of our State departments and agencies are being level-funded or cut. This Capital Budget will increase our debt service for future years and it creates additional personnel positions that must be funded in future Operating Budgets.

This Capital Budget expends over \$21,987,000 for University System projects. This amount of expenditures is in addition to the level of \$125,000,000 for the University System in the Operating Budget. Total funding for the University System in the Capital Budget and the Operating Budget is nearly \$147,000,000, yet the state remains without a commitment that tuition will be reduced or remain the same.

I am also troubled by the DRED Park Revenue Fund Appropriation which I believe incorporates a legislative authorization notwithstanding another provision of law. Some Park projects are to be funded under RSA 216-A:3-i, which establishes the State Park Fund. The remaining projects, identified in the Committee of Conference Report, totaling \$1,040,000, should also be funded from the State Park Fund on a priority basis as established by the Commissioner of DRED. They are not; they use general fund revenue. This is contrary to the precise reason RSA 216-A:3-i was created and the statute must now be followed or we will render the statute meaningless.

Finally, the matter which has attracted the most attention in the Capital Budget is the present insistence that taxpayers' money be used to construct a new District Court facility in Manchester. It should be noted that I originally recommended \$5.6 million for new construction of the Manchester District Court. If I had wanted to preclude any choice except the former Union Leader building, I would hardly have recommended that such an amount be put into new construction.

Since the time of my initial budget recommendation, I have been contacted by the Mayor of Manchester, numerous city officials, and countless private citizens from around the State who have urged me to consider utilizing the ample available building space present in the Manchester area. To consider such an option, Patrick Duffy, Commissioner of the Department of Administrative Services, established an independent panel, the members of which I have never met or spoken with, to evaluate the potential building sites. This four-person committee, made up of facilities, public works and architectural experts, have concluded that the former Union Leader building is the best available site by a considerable margin. I have attached Commissioner Duffy's list of reasons to this veto message.

I did not seek unilateral control of the court facility process. I proposed language to the Conferees which permitted the funds to be utilized either for new construction or an appropriate existing building and specified "No funds under this appropriation may be spent, obligated or encumbered until an action plan has been approved by both long-range Planning and Utilization Committee and the Governor and Executive Council." Two Conferees, Gene Chandler and John Chandler, voted to save the taxpayers millions of dollars by accepting the free gift of the building that led Commissioner Duffy's list of appropriate existing sites in Manchester.

Saving several million dollars may appear insignificant to legislators who are asked to deal with millions and millions of dollars in the Operating and Capital Budgets. I respectfully suggest, however, that several million dollars is an extraordinarily large amount of money to the average taxpayer, and that our citizens are baffled why the State would turn down such a building, a building that the Attorney General has concluded may be accepted by the State without conflict. Those of you who know me well, know that I would not hesitate to accept this building and its savings if the building had been previously owned by The Boston Globe or the Democratic National Committee.

The State needs a Capital Budget. I urge you to sustain this veto and to draft a revised piece of legislation that addresses my concerns. I will sign such legislation.

Stephen Merrill, Governor

ADDENDUM TO VETO MESSAGE

FROM: Patrick Duffy, Commissioner
 SUBJECT: 35 Amherst Street, Manchester Site
 TO: The Honorable Stephen Merrill, Governor

(1) The Amherst Street site has over 52,000 usable square feet. Thirty thousand square feet (30,000) is needed for the district court. Twenty-two thousand square feet (22,000) or two-thirds of the needed space was built in 1986.

(2) This building meets all applicable codes and standards. It has modern heat, ventilation and air conditioning, plumbing and electric infrastructure components.

- (3) The older portion of the structure can be easily upgraded in terms of infrastructure.
- (4) Both portions of the structure have been well-maintained and this site is more easily renovated than other building sites reviewed.
- (5) The two million dollar renovation appropriation is more than sufficient to rehabilitate this structure for a district court.
- (6) The structure has separate access for the public, separate access for court personnel, and has handicapped access which meets the ADA code requirements.
- (7) The structure provides security for judges by providing them a separate entrance and parking. It also has capability to accept transported prisoners and unload them in a secure area.
- (8) Since the district court presently needs 30,000 of the available 52,000 square feet, the remainder is available for other State uses. In addition, in the future should the court need to be expanded, this can be accomplished within the existing structure without a new facility.
- (9) This structure presents a minimal environmental impact and state inspectors have concluded that hazardous waste is not an issue. Conversely, for example, hazardous waste is known to be an issue in the form of a potential ground contamination problem at the proposed Merrimack and Pine new construction site.
- (10) Public parking is ample and since there are 856 spaces available in a structured parking lot across the street and additional ample parking for visitors, lawyers and others in the Hartnett surface parking area which can provide 216 additional spaces. The Hartnett surface parking area is one of the sites urged by some for the construction of a new court facility.
- (11) This structure has an open internal configuration, which means there are no interfering supporting structures. This wide-open concept would permit easy renovation into either courtroom or administrative space.

The question being, notwithstanding the Governor's veto, shall **HB 25-A**, making appropriations for capital improvements and establishing a committee to oversee and set priorities for certain appropriations, pass.

Rep. Gross spoke in favor.

As required by the Constitution, a roll call was taken.

YEAS 316

NAYS 53

**YEAS 316
BELKNAP**

Bartlett, Gordon
Hauck, William
Turner, Robert

Cain, Thomas
Hawkins, Robert
Ziegra, Alice

Campbell, Richard, Jr.
Holbrook, Robert

Golden, Paul
Salatiello, Thomas

CARROLL

Allard, Nanci
Cogswell, Richard
Mock, Henry
Wiggin, Gordon

Beach, Mildred
Dickinson, Howard, Jr.
Philbrick, Donald

Bradley, Jeb
Foster, Robert
Saunders, Howard

Chandler, Gene
Lyman, L. Randy
Wiggin, Allen

CHESHIRE

Avery, Stephen
Cole, Stacey
Kingsbury, H. Thayer
McNamara, Wanda
Richardson, Barbara
Russell, Ronald

Bonneau, Sarah
DePecol, Benjamin
Lynch, Margaret
Metzger, Katherine
Riley, William
Smith, Edwin

Burnham, Daniel
Foster, Katherine
Manning, Joseph
Pearson, Gertrude
Robertson, Timothy

Champagne, Richard
Hunt, John
McGuirk, Paul
Pratt, Irene
Royce, H. Charles

COOS

Bradley, Paula
Hawkinson, Marie
Pratt, Leighton

Coulombe, Henry
Horton, Lynn

Foss, Frederic
Mayhew, Josephine

Guay, Lawrence
Mears, Edgar

GRAFTON

Adams, Carl
Brown, Channing

Bean, Pamela
Brown, Patricia

Below, Clifton
Chase, Paul, Jr.

Brown, Alson
Copenhaver, Marion

Crory, Elizabeth
 Guest, Robert
 Larson, Nils, Jr.
 Teschner, Douglass
 White, Paul

Driscoll, William
 Ham, Bonnie
 McIlwaine, Deborah
 Trelfa, Richard

Eaton, Stephanie
 Hill, Richard
 Nordgren, Sharon
 Wadsworth, Karen

Gordon, Edward
 LaMott, Paul
 Scanlan, David
 Ward, Kathleen

HILLSBOROUGH

Ackerman, Philip
 Allen, W. Gordon
 Bagley, Amy
 Buckley, Raymond
 Chabot, Robert
 Crotty, Edward
 Drolet, Paul
 Dykstra, Leona
 Franks, Suzan
 Gosselin, Gerald
 Hart, Nick
 Jasper, Shawn
 Kelley, Robert
 Laughlin, J. Francis
 Lown, Elizabeth
 McNerney, Daniel
 Moore, Elizabeth
 Nardi, Theodora
 Perkins, Paul
 Record, Alice
 Sargent, Maxwell
 Soucy, Donna
 Turgeon, Roland
 Wheeler, Robert

Ahern, Richard
 Amidon, Eleanor
 Bergeron, Lucien
 Burke, M. Virginia
 Clemons, Jane
 Daigle, Robert
 Durham, Susan
 Ferguson, Charles
 Gage, Ruth
 Greenberg, Gary
 Healy, Daniel
 Jean, Claudette
 Kurk, Neal
 Leclerc, Charles
 Lozeau, Donnalee
 McRae, Karen
 Morello, Michael
 O'Rourke, Joanne
 Peters, Stanley
 Reidy, Frank
 Searles, Stanley, Sr.
 Soucy, Richard
 Upton, Barbara
 White, John

Ahlgren, Madelyn
 Arnold, Barbara
 Bergeron, Normand
 Calawa, Leon, Jr.
 Cote, David
 Desrosiers, William
 Dwyer, Patricia
 Fields, Dennis
 Gagnon, Eugene
 Hall, Betty
 Holden, Carol
 Johnson, Lionel
 L'Heureux, Robert
 Lefebvre, Roland
 Martin, Mary Ellen
 Messier, Irene
 Morrissette, Roland
 Packard, Bonnie
 Philbrook, Paula
 Rheault, Lillian
 Smart, John
 Tate, Joan
 Vanderflok, Stanley

Ahrens, Frederick
 Asselin, Robert
 Bowers, Dorothy
 Cepaitis, Elizabeth
 Cowenhoven, Garret
 Drabinowicz, A. Theresa
 Dyer, Merton
 Foster, Linda
 Gervais, Glen
 Hanselman, Gregory
 Holley, Sylvia
 Kelley, Dana
 Lachut, Ervin
 Lessard, Rudy
 McCarty, Winston
 Mittelman, David
 Murphy, Robert
 Paquette, Rodolphe
 Plourde, Alphonse
 Sallada, Roland
 Smith, Leonard
 Toomey, Kathryn
 Wells, Peter, Sr.

MERRIMACK

Barberia, Richard
 Chandler, John
 Fillion, Paul
 Hall, Douglas
 Johnson, C. William
 Moore, Carol
 Pfaff, Terence
 Trombly, Rick
 Whittemore, James

Braiterman, Thea
 Daneault, Gabriel
 French, Barbara
 Hill, Michael
 Johnson, Joyce May
 Newland, Matthew
 Regan, Maurice
 Wallner, Mary Jane
 Willis, Jack

Buessing, Marjorie
 Dunn, Miriam
 Gilbreth, Robert
 Holmes, Mary
 Kidder, William
 Nichols, Avis
 Rogers, Katherine
 Ward, Jay
 Yeaton, Charles

Carter, Susan
 Feuerstein, Martin
 Gross, Caroline
 Houlahan, Thomas
 Lockwood, Robert
 Owen, Derek
 Soldati, Jennifer
 Weeks, John, Jr.

ROCKINGHAM

Aranda, M. Kathryn
 Bove, Martin
 Christie, Andrew, Jr.
 Conroy, Janet
 Dowd, Sandra
 Gage, Beverly
 Hurst, Sharleene
 Kane, Cecelia
 Klemm, Arthur, Jr.
 McGovern, Cynthia
 O'Keefe, Patricia
 Pullman, Robert

Arndt, Janet
 Campbell, Marilyn
 Clark, Martha
 Crossman, Harold, Jr.
 Drake, Herbert
 Gargiulo, Louis
 Hutchinson, Karen
 Katsakiores, George
 Lee, Rebecca
 McKinney, Betsy
 Packard, Sherman
 Richards, David

Bell, Juanita
 Caswell, Albert, Jr.
 Clark, Vivian
 Crum, William, Jr.
 Flanagan, Natalie
 Groves, Bonnie
 Johnson, Bill
 Katsakiores, Phyllis
 Lovejoy, Marian
 Miller, Don
 Pantelakos, Laura
 Ritzo, Eugene

Boucher, William
 Chester, Sherman
 Coes, Betsy
 DiPietro, Carmela
 Flanders, John, Sr.
 Hemenway, Thomas
 Johnson, Robert
 Klemarczyk, Thaddeus
 Malcolm, Kenneth
 Newman, Rick
 Pratt, Katharin
 Rosencrantz, James

Simon, Peter
 Stritch, C. Donald
 Vaughn, Charles
 Yennaco, Carol

Skinner, Patricia
 Syracuse, Anthony
 Welch, David

Splaine, James
 Sytek, Donna
 Williamson, William

St. Martin, Tommy
 Sytek, John
 Woods, Deborah

STRAFFORD

Brown, George
 Douglass, Clyde
 Hashem, Elaine
 Kincaid, William
 McCann, William, Jr.
 Merritt, Deborah
 Pageotte, Donald
 Spear, Barbara
 Vincent, Francis

Brown, Julie
 Dunlap, Patricia
 Hemon, Roland
 Knowles, William
 McGrath, J. Gregory
 Musler, George
 Pelletier, Arthur
 Sullivan, Henry
 Wall, Janet

Callaghan, Frank
 Gilmore, Gary
 Hilliard, Dana
 Loder, Suzanne
 McKinley, Robert
 Nehring, William
 Rogers, Rose Marie
 Torr, Ann
 Wasson, Richard

Chagnon, Ronald
 Hambrick, Patricia
 Keans, Sandra
 Lundborn, Raymond
 Merrill, Amanda
 O'Brien, John
 Snyder, Clair
 Torr, Franklin
 Wheeler, Katherine

Allison, David
 Flint, Gordon
 Peyron, Fredrik

Behrens, Thomas
 Holt, Ann
 Rodeschin, Beverly

Burling, Peter
 Kane, Joan
 Schotanus, Merle

Cloutier, John
 Palmer, Lorraine

SULLIVAN

NAYS 53

BELKNAP

Johnson, Carl
 Rosen, Ralph

Lafiam, Robert
 Smith, Linda

Lawton, David
 Young, Niel

Rice, Thomas, Jr.

None

CARROLL

Delano, Robert

Young, David

CHESHIRE

COOS

Harwell, Tyler

GRAFTON

Rose, William

HILLSBOROUGH

Andrews, Frederick
 Dodge, Emma
 Hunter, Bruce
 Moncrief, Keith
 Wright, George

Arnold, Thomas, Jr.
 Fenton, James
 Jean, Loren
 Pepino, Leo

Borsa, Andrew
 Holt, David
 Mercer, Robert
 Riley, Frances

Daniels, Gary
 Holt, Mark
 Milligan, Robert
 Rothhaus, Finlay

MERRIMACK

Kennedy, Richard

Langer, Ray

Shaw, Randall

Whalley, Michael

ROCKINGHAM

Battles, Marjorie
 Dube, LeRoy
 Hazelton, Robert
 Raynowska, Bernard
 Stone, Joseph

Beaulieu, Jon
 Felch, Charles, Sr.
 Moore, Benjamin
 Rubin, George
 Warburton, Calvin

Cote, Charles
 Fesh, Robert
 Noyes, Richard
 Schanda, Joseph, Sr.
 Weyler, Kenneth

Cote, Patricia
 Gorman, Donald
 Putnam, Ed, II
 Smith, Arthur

STRAFFORD

Torr, Ralph

SULLIVAN

Domini, Irene

and the veto was overridden by the necessary two-thirds.
 Rep. Kirby wished to be recorded in favor.
 Rep. Dow wished to be recorded against.
 Reps. Mercer and Whalley voted nay and intended to vote yea.

RECESS

(Speaker Burns in the Chair)

**SENATE MESSAGE
 CONCURRENCE**

HB 27-A, establishing a study committee to examine 2 options relative to the establishment of a new district court facility in the city of Manchester, and amending certain appropriations in HB 25-A.

SUSPENSION OF RULES

Reps. Gross and Trombly moved that the rules be so far suspended as to permit consideration and final passage at the present time of **SB 249-FN**, relative to the issuance of tax anticipation notes by village districts.

Adopted by the necessary two-thirds.

RESOLUTION

Reps. Gross and Trombly offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 249-FN, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 249-FN, relative to the issuance of tax anticipation notes by village districts. (Municipal and County Government)

Rep. Wadsworth moved that the report of the Committee be Ought to Pass and spoke in favor.
 Adopted and ordered to third reading.

Third reading and final passage

SB 249-FN, relative to the issuance of tax anticipation notes by village districts.

UNANIMOUS CONSENT

Reps. Record, Loren Jean, Lefebvre and Trombly addressed the House.

Rep. Gross moved that the House stand in recess for the purpose of enrolled bill amendments and enrolling reports only.

Adopted.

The House recessed at 3:00 p.m.

RECESS

(Rep. Warburton in the Chair)

ENROLLED BILLS REPORT

HB 27, establishing a study committee to examine 2 option relative to the establishment of a new district court facility in the city of Manchester, and amending certain appropriations in HB 25-A.

SB 249, relative to the issuance of tax anticipation notes by village districts.

Sen. Currier, Rep. Dunn for the Committee

Rep. Gross moved that the House adjourn to the call of the Chair.

Adopted.

STATUTORY APPOINTMENTS - 1993

HB 2 (Chapter 358:5, Laws of 1993) LEGISLATIVE OVERSIGHT ELDERCARE STUDY

Reps. Eleanor H. Amidon (Health, Human Services and Elderly Affairs Committee), Leon Calawa, Jr. (Public Works Committee), Marie C. Hawkinson (Appropriations Committee), appointed by the Speaker.

Sens. John A. King (Public Institutions Committee), Ann J. Bourque (Senate Capital Budget Committee), Susan McLane (Senate Finance Committee), appointed by the President.

May Casten, designee of the Governor.

Ruth Blake, appointed by the State Employees Association.

HB 2 (Chapter 358:28, II, Laws of 1993) KINDERGARTEN INCENTIVE AID STUDY

Sens. Carole A. Lamirande (Chairman) and Susan McLane, appointed by the President.

Reps. Susan D. Carter and Stanley N. Searles, Sr., appointed by the Speaker.

Martie Gooze, appointed by the New Hampshire School Board's Association.

Kenneth A. Greenbaum, member of the New Hampshire School Administrators Association, appointed by that association.

Fred Place, appointed by the New Hampshire National Educational Association.

Patricia Busselle designee of the Commissioner of Education.

HB 2 (Chapter 358:49, Laws of 1993) PLYMOUTH DISTRICT COURTHOUSE STUDY

Member added 1993:

Tom M. Fitzpatrick, Executive Director, Plymouth Chamber of Commerce.

HB 27 (Chapter 360, Laws 88of 1993) MANCHESTER DISTRICT COURT FACILITY STUDY

James F. Marshall, Director of the Division of Public Works, Department of Transportation.

Frank Monahan, designee of the Commissioner of Administrative Services.

Philip J. O'Brien, Director of the Division of Waste Management, Department of Environmental Services.

Edwin W. Kelly, Administrative Justice of the New Hampshire District and Municipal Courts.

John Jacobson, Manchester, appointed by the Governor.

Sens. C. Jeanne Shaheen and Kenneth J. MacDonald, appointed by the President.

Reps. Terence R. Pfaff and Katherine D. Rogers, appointed by the Speaker.

John Snow, City Coordinator of the City of Manchester.

HB 140 (Chapter 292:1, II, Laws of 1993) WASTE REDUCTION AND RECYCLING INCENTIVES STUDY

Rep. Amanda A. Merrill (Environment and Agriculture Committee), appointed by the Speaker.

Sen. Debora B. Pignatelli, member of the Senate Environment Committee, appointed by the President.

Mark Lennon, the Recycling Coordinator, Division of Waste Management, Department of Environmental Services.

The Director of the Office of Business and Industrial Development, Department of Resources and Economic Development, or designee.

Professor John Halstead, representative of the University System of New Hampshire conversant in recycling and associated resource economics and development issues, appointed by the Speaker and the President.

Carolyn Mercer-McFadden (Alternate: Robert Z. Norman) representative of the Sierra Club, New Hampshire State Council, appointed by the Council.

Richard Maloney, member conversant in local or regional economic development issues and interests, appointed by the Governor.

Emily J. Hess, appointed by the New Hampshire Business and Industry Association.

Elizabeth A. Bedard, Coordinator of the Governor's Recycling Program.

E. Dana Draper, Executive Director of the New Hampshire Resource Recovery Association.

William L. Roberts, appointed by New Hampshire the Beautiful.

Brenda Dolan, member of the lending and financial community, appointed by the Governor.

Joseph Musumeci, appointed by the New Hampshire Municipal Association.

HB 147 (Chapter 293:2, Laws of 1993) NEW HAMPSHIRE STATE HOSPITAL STUDY

Reps. Robert G. Holbrook (Appropriations Committee) and Leon Calawa, Jr., appointed by the Speaker.

Sens. Susan McLane and John S. Barnes, Jr., appointed by the President.

Donald L. Shumway, designee of the Commissioner of the Department of Health and Human Services.

Van McLeod, Commissioner of the Department of Cultural Affairs.

Paul G. Gorman, Ed.D., Superintendent of the New Hampshire Hospital.

David Page (architect) and Mark Holden (renovations), two members of the general public, appointed by the Governor.

HB 164 (Chapter 357:9, Laws of 1993) WORKER'S COMPENSATION COSTS STUDY

Reps. Robert S. Hawkins and Robert H. Turner, appointed by the Speaker.

Sens. C. Jeanne Shaheen and Beverly A. Hollingworth, appointed by the President.

Linda Pepin, Cabletron Systems, Inc.; Donald B. Parpan, Troy Mills, Inc.; Bernard J. Perry, KRL Bantry Components, Inc. and Dale Pennel Breed, Johnson & Dix Corp, four employers, appointed by the Governor.

Jim Casey, Mary Flynn, Robert Morneau and Ken Malonson, four employees, appointed by the Governor.

John Crosier, public member, appointed by the Governor.

Richard M. Flynn, Labor Commissioner.

Louis E. Bergeron, (Alternate: David Nichols) Insurance Commissioner.

HB 184 (Chapter 274, Laws of 1993) PLYMOUTH DISTRICT COURTHOUSE RELOCATION STUDY

Reps. William J. Driscoll (Public Works) and Paul K. Chase, Jr., appointed by the Speaker.

Sens. Wayne D. King and Eleanor P. Podles, appointed by the President.

Hon. Edwin W. Kelly, Plymouth District Court Justice.

Thomas W. Cowie, Esq., trial attorney who practices before the Plymouth District Court, appointed by the New Hampshire Bar Association.

Frank T. Monahan, designee of the Commissioner of Administrative Services, or designee.

Henry Bird, public member, appointed by the Governor.

HB 220 (Chapter 122, Laws of 1993) REAL ESTATE VALUATION AND REVALUATION STUDY

Reps. Paul A. Golden, Gabriel J. Daneault and Patricia A. Dowling, appointed by the Speaker.

Sens. Eleanor P. Podles, John A. King and John S. Barnes, appointed by the President.

Thomas Stawasz, appointed by the Governor.

Richard Stapleton (Town of Gorham) and Lucien F. Rousseau (City of Nashua), appointed by the New Hampshire Municipal Association.

Peter Russell and James Somerville, two members of the public who are not assessors, appointed by the Governor.

HB 241 (Chapter 66, Laws of 1993) PROCEDURES FOR MEDICAL DECISION-MAKING STUDY

Reps. Robert A. Lockwood and Henry P. Mock, appointed by the Speaker of the House.

Sens. John A. King and Susan McLane, appointed by the Senate President.

Raymond Mailloux, Joyce Hubbard and Dwight Sowerby, public members appointed by the Governor.

Charles Weatherill, designee of the Commissioner of Health and Human Services.

Hon. Christina M. O'Neill, Administrative Judge of the Probate Court.

Elizabeth Stanton, appointed by the New Hampshire Hospital Association.

Elizabeth Scott appointed by the New Hampshire Health Care Association.

Dr. Clinton F. Miller, II, appointed by the New Hampshire Medical Society.

Michael D. Casasanto, appointed by the Office of the Public Guardian.

John E. Tobin, Jr., appointed by the executive director of New Hampshire Legal Assistance.

Nancy Currier, appointed by the New Hampshire Nurses Association.

HB 243 (Chapter 296:2, Laws of 1993) LOCAL PLANNING NEEDS AND MANDATES STUDY

Sens. Barbara J. Baldizar and George A. Lovejoy, appointed by the President.

Reps. Karen O. Wadsworth (Municipal and County Government), David M. Scanlan (Environment and Agriculture) and Michael D. Whalley (Resources, Recreation and Development), appointed by the Speaker.

William G. Herman, appointed by the NH Municipal Association.

John Edgar, appointed by the NH Planners Association.

One representative of the NH Home Builders Association, appointed by association.

One representative of the NH Business and Industry Association, appointed by such association.

Don E. Zizzi, appointed by the NH Association of Regional Planning Commissions.

Freda Swan, appointed by the Society for the Protection of New Hampshire Forests.

Hon. Katherine H. Metzger, appointed by the NH Association of Conservation Commissions.

Cary Gladstone, designee of the Commissioner of the Department of Resources and Economic Development.

David G. Scott, designee of the Director of the Office of State Planning.

Ansel Sanborn, designee of the Commissioner of the Department of Transportation.

Gary Abbott, appointed by the Association of General Contractors.

Signe McQuaid, Manchester and Donald Hughes, Wolfeboro, two members of the public appointed by the Governor.

HB 297 (Chapter 298, Laws of 1993) PROPANE GAS CONVERSION STUDY

Reps. David M. Scanlan, Robert A. Daigle, Rebecca E. Lee, David L. Richards, Gordon E. Bartlett, Francis X. Donovan and Gregory L. Hanselman, appointed by the Speaker.

Sens. Richard L. Russman, Debora P. Pignatelli, Beverly A. Hollingworth, Wayne D. King and Kenneth J. MacDonald, appointed by the President.

HB 396 (Chapter 37, Laws of 1993) ELDERLY LONG TERM CARE STUDY

May Casten, public member, appointed by the Governor.

Reps. Eleanor H. Amidon, Maxwell D. Sargent and Neal M. Kurk, appointed by the Speaker.

Sens. John A. King, John S. Barnes, Jr. and Ann J. Bourque, appointed by the President.

Johan Vandervelde, designee of the Insurance Commissioner.

Barry Bodell, designee of the Commissioner of the Department of Health and Human Services.

Richard Chevrefils, Director of the Division of Elderly and Adult Services.

Craig Rowley, Executive Director of the New Hampshire Health Care Association.

Raymond E. Bouer, designee of the President of the New Hampshire Association of County Nursing Homes.

Maryellen LaRoche, designee of the Executive Director of the Home Health Care Association of New Hampshire.

Alyson Rock Pitman, appointed by the New Hampshire Hospital Association.

Dr. Jeffrey Neilson, appointed by the New Hampshire Medical Society.

A representative of the Business and Industry Association of New Hampshire, appointed by such association.

A representative of the Health Insurance Association of America, appointed by such association.

Deborah Wallace, appointed by the New Hampshire Association of Residential Care Facilities.

HB 406 (Chapter 246, Laws of 1993) PET OVER POPULATION STUDY

Reps. Howard C. Dickinson and Katherine W. Wheeler (Chairman), appointed by the Speaker.

Sens. Burton J. Cohen and Sheila Roberge, appointed by the President.

Dr. Clifford McGinnis, designee of the Commissioner of Agriculture.

Dr. Geoffrey Smith, designee of the Director of the Division of Public Health Services.

John Kanter, designee of the Executive Director of the Fish and Game Department.

Dr. Michael Norris, appointed by the New Hampshire Veterinary Medical Association.

A representative of the New Hampshire Federation of Humane Organizations, appointed by such organization.

Edward Rich, appointed by the New Hampshire Municipal Association.

Patricia A. Little, Keene, appointed by the City and Town Clerks Association.

James Phinizy, representative of dog breeders, appointed by the Governor.

Christine Westcott, public member, appointed by the Governor.

Robin Baskerville, representative of cat breeders, appointed by the Governor.

HB 494 (Chapter 133, Laws of 1993) SOLID WASTE LAWS RECODIFICATION

Reps. Jeb E. Bradley, M. Kathryn Aranda, Daniel M. Burnham and Amanda A. Merrill, appointed by the Speaker.

Sens. Richard L. Russman, Debora B. Pignatelli, Wayne D. King and Kenneth J. MacDonald, appointed by the President.

HB 498 (Chapter 18, Laws of 1993) TAX-EXEMPT PROPERTY STUDY

Sens. Susan McLane, John S. Barnes and C. Jeanne Shaheen, appointed by the Senate President.

Reps. Kenneth L. Weyler (Chmn.), Karen O. Wadsworth and Donald P. Pageotte, appointed by the Speaker of the House.

Len Gerzon, appointed by the New Hampshire Business and Industry Association.

Christa Binner, appointed by the New Hampshire School Board Association.

Barbara Reid, designee of the Commissioner of the Department of Revenue Administration.

William B. Cullimore, Director of the Charitable Trusts section of the Department of Justice, appointed by the Attorney General.

Stephen R. Marion, representative from a tax-exempt hospital, appointed by the Governor.

Monsignor John E. Molan, representative from a tax-exempt church, appointed by the Governor.

H. Jeffrey Rafn, Commissioner of Postsecondary Technical Education, appointed by the Governor.

Barton L. Mayer, appointed by the New Hampshire Municipal Association.

One representative of the Granite State Association of Non-Profits, appointed by such association.

One representative of the New Hampshire Association of Commerce and Industry, Inc., appointed by such association.

Members added 1993:

Paul Franklin, appointed by the Board of Tax and Land Appeals.

Michael E. Baker, Headmaster, Tilton School appointed by the Non-Public School Advisory Council.

HB 571 (Chapter 199:3, Laws of 1993) EMISSIONS REDUCTION CREDITS TRADING STUDY

Norman C. VanderNoot, designee of the Chairperson of the Air Resources Council.

Robert W. Varney, Commissioner of the Department of Environmental Services

The Director of the Division of Air Resources.

William Pillsbury, designee of the Commissioner of the Department of Resources and Economic Development.

Commissioner Linda G. Stevens designee of the Chairperson of the Public Utilities Commission.

Reps. Beverly T. Rodeschin and Karen K. McRae (Science, Technology, and Energy Committee) and Reps. Jeb E. Bradley and M. Kathryn Aranda (Environment and Agriculture Committee) and Gary R. Gilmore (Representative at large), appointed by the Speaker.

Sens. Richard L. Russman (Environment Committee) and Wayne D. King (Economic Development Committee), appointed by the President.

Walter Remis and Robert Cheney, members of the public, appointed by the Governor.

HB 592 (Chapter 309:2, Laws of 1993) ECONOMIC DEVELOPMENT ACTIVITIES STUDY

Reps. Peter H. Burling (Economic Development Committee), Merle W. Schotanus (Appropriations Committee) and Garret P. Cowenhoven (Ways and Means Committee), appointed by the Speaker.

Sens. Wayne D. King (Economic Development Committee), C. Jeanne Shaheen (Finance Committee) and Susan McLane (Ways and Means Committee), appointed by the President.

Richard Green, designee of the Commissioner of the Department of Resources and Economic Development.

Emerson H. O'Brien, Chairman of the New Hampshire Business Finance Authority or his designee.

Hans Wenthrup, public member appointed by the Governor.

HB 592 (Chapter 309:6, Laws of 1993) COMMUNITY SERVICE PROGRAM IN NH STUDY

Reps. Douglass P. Teschner and Gertrude B. Pearson, appointed by the Speaker.

Sens. C. Jeanne Shaheen and Beverly A. Hollingworth, appointed by the President.

Maureen Johnson, appointed by the New Hampshire Job Training Council.

Tom Mattson, designee of the Commissioner of the Department of Resources and Economic Development.

One representative of the Business Community, appointed by the Governor.

Peter W. Michel, appointed by the New Hampshire School Counselors Association.

Scott D. Izzo, appointed by the Student Conservation Association.

Jean Wallin, appointed by the Granite State Association of Non-Profits.

Jeffrey H. Rafn, representative of Postsecondary Technical Colleges, appointed by the Governor.

Suzanne M. Fitzgerald and Diane D. Kay, students in the university system, appointed by the Chancellor.

One member of the public, appointed by the Governor.

HB 665 (Chapter 277:2, Laws of 1993) STATEWIDE PROPERTY TAX TO FUND EDUCATION STUDY

Reps. Earle W. Chandler (Ways and Means), David M. Perry (Municipal and County Government) and Patricia B. Brown (Education), appointed by the Speaker.

Sens. Susan McLane (Ways and Means Committee) and George F. Disnard (Education Committee), appointed by the Senate President.

Robert Raybuck and Norm Beauchesne, appointed by the Governor.

Jay Waldner, appointed by the New Hampshire Municipal Association.

Lee Wilmot, selected by the New Hampshire School Boards Association

Andrea Reid, designee of the Commissioner of the Department of Revenue Administration, who shall be a non-voting member.

Fredrick J. Bramante, Jr. designee of the Commissioner of Education.

SB 17 (Chapter 286, Laws of 1993) PREVENTING AND RESOLVING DISPUTES FOR EDUCATIONALLY DISABLED STUDENTS STUDY

Reps. Susan D. Carter and Joan C. Tate, appointed by the Speaker.

Sens. George F. Disnard and Eleanor P. Podles, appointed by the President.

Ross Lurgio, school superintendent, appointed by the NH School Administrators Assoc.

Carol Kosnitsky, appointed by the NH Association of Special Education Administrators.

Dr. Eugene Jalbert, member of the State Board of Education, appointed by the Chairman of the Board.

Ronald K. Lospennato, appointed by the Executive Director of the Disabilities Rights Center, Inc.

Charlene Mayo, appointed by the Executive Director of the Parent Information Center.

Barbara Eierman, representative of the Learning Disabilities Assoc., appointed by the President.

Ken Coleman, school board member, appointed by the NH School Boards Association.

Ronda Geisler, appointed by the New Hampshire Principals Association.

Judith Raskin, parent advocate, appointed by the State Advisory Council required by the Individuals with Disabilities Education Act.

Dr. Carl Cooley, appointed by the president of the American Academy of Pediatrics, New Hampshire Chapter.

Patricia Busselle, designee of the Commissioner of Education.
 Thomas Slayton, appointed by the Chairman of the Developmental Disabilities Council.
 Margaret Polak (Special Education) and Gary Liptak (Regular Education), appointed by the Commissioner of Education.

SB 42 (Chapter 208, Laws of 1993) STATEWIDE TRAUMA CARE STUDY

Marcia Houck, Bureau Chief, Bureau of Emergency Medical Services.

Dr. John E. Sutton, Jr., Hanover, appointed by NH Chapter of American College of Surgeons.

David Connor, designee of State Medical Director.

Reps. Robert W. Foster (Chairman), and Marion L. Copenhaver appointed by Speaker.

Sens. David P. Currier and Eleanor P. Podles appointed by President.

Audrey A. Carragher, Nashua appointed by Governor.

Gary Carter, Executive Director, NH Hospital Association.

Mary E. Fitzpatrick, RN, President, NH Emergency Nurses Association.

Denise Beuparlant, appointed by Board of Emergency Medical Service Coordinating Board established in RSA 151-B:3.

One Representative, appointed by NH Association of Fire Chiefs.

Susan Epstein (Clerk), designee of Director, Division of Public Health Services.

Dr. Roger M. Fossum, Chief Medical Examiner.

Dr. Patrick W. Lanzetta, New Durham, appointed by NH Chapter of American College of Emergency Physicians.

Members changed 1993:

The State Medical Director, who is the appointed chair of the Medical Advisory Board established under RSA 151-B:52, or designee, appointed by the Bureau Chief of the Bureau of Emergency Medical Services.

Reference Changed. Amend 1990, 99:1, IX to read as follows:

Denise Beuparlant, member of the Emergency Medical Services Coordinating Board established in RSA 151-B:3, appointed by the Board.

Members added 1993:

Sgt. Raymond F. Burke, Jr., representative of the NH State Police, appointed by the Commissioner of the Department of Safety.

Dr. William Boule, Jr., appointed by the NH Pediatric Association.

A representative of the NH Family Practice Association, appointed by such association.

A certified basic emergency medical technician, appointed by the NH Emergency Medical Technicians' Association.

A certified nationally registered EMT-Paramedic, appointed by the NH Paramedic Association.

Peggy Dame, RN, appointed by the American Association of Critical Care Nurses, NH Council.

Beverly Abbott, appointed by the NH Rehabilitation Association.

Kathleen Dunn, appointed by the New England Organ Bank.

SB 49 (Chapter 209:2, Laws of 1993) COMMERCIAL SHELLFISH AND OYSTER ACQUACULTURE STUDY

Sens. Burton J. Cohen and Beverly A. Hollingworth, appointed by the President.

Reps. Clyde J. Douglass, Charles H. Felch, Sr. and Joseph Schanda, Sr., appointed by the Speaker.

John I. Nelson, designee of the Executive Director of the Department of Fish and Game.

Wilbur LaPage, designee of the Commissioner of the Department of Resources and Economic Development.

Edward Schmidt, designee of the Commissioner of the Department of Environmental Services.

Richard Langan, expert in oyster biology and aquaculture, appointed by the Governor.

Jack Stanton, designee of the Director of the Division of Public Health, Department of Health and Human Services.

SB 50 (Chapter 166, Laws of 1993) LAW ENFORCEMENT AND PROSECUTOR TASK FORCE

A Justice of the Superior Court, appointed by the Chief Justice of the Superior Court.

Two County Attorneys, appointed by the New Hampshire Association of Counties.

The Director, Division of State Police, or designee.

Sandra Matheson, Director of the Office of Victim/Witness Assistance.

A representative of the New Hampshire Criminal Investigators' Association, appointed by the Association.

A Victim/Witness coordinator, appointed by the New Hampshire Association of Counties.

A representative of the New Hampshire Association of Police Chiefs, appointed by the Association.

A representative of the New Hampshire Police Association, appointed by the Association.

Eve Goodmon, Victim's Advocate, appointed by the Governor.

A representative of the New Hampshire Coalition against Domestic and Sexual Violence, appointed by the Coalition.

The Superintendent of a County Department of Corrections, appointed by the New Hampshire Association of Counties.

The Director of the Police Standards and Training Council, or designee.

An attorney representing the Department of Justice, appointed by the Attorney General.

Professor Kristine Baber, education specialist in sexual assault, appointed by the Governor.

Members added 1993:

Reps. Donna P. Sytek and Alice S. Ziegler, appointed by the Speaker.

Sens. Beverly A. Hollingworth and Leo W. Fraser, appointed by the President.

Ron Adams (YDC), Judith Henderson (District Office) and Sylvia Gale (State Office) from the Division for Children and Youth Services, appointed by the Governor.

Hon. Francis J. Frasier and Hon. Martha R. Crocker, appointed by the Chief Justice of the District Court.

SB 62 (Chapter 256, Laws of 1993) CHILD SUPPORT ISSUES STUDY

Gillian Sheehan, designee of the Governor.

Sens. Eleanor P. Podles and Barbara J. Baldizar, appointed by the President.

Reps. Lionel W. Johnson and Michael Morello, appointed by the Speaker.

Frank Richards, Administrator of the Office for Child Support Enforcement Services.

Kathleen Kerr, designee of the Commissioner of the Department of Health and Human Services.

Claudette Gurley and Linda Wihby, public members representing the interests of custodial parents, appointed by the Governor.

David Friedline and Stanley Post, two public members representing the interests of non-custodial parents, appointed by the Governor.

Hon. Pamela D. Kelly, Marital Master, appointed by the Chief Justice of the Superior Court.

Hon. Douglas R. Gray, designee of the Chief Justice of the Superior Court.

Cynthia E. Noyes, Esq., Guardian Ad Litem who has experience with child custody and support cases, appointed by the Chief Justice of the Superior Court.

SB 81 (Chapter 148, Laws of 1993) SEXUAL ASSAULT AND SEXUAL HARASSMENT AT POSTSECONDARY INSTITUTIONS TASK FORCE

Reps. Thomas G. Cain and Marjorie H. Battles (Judiciary Committee), appointed by the Speaker.

Sens. Burton J. Cohen (Judiciary Committee) and C. Jeanne Shaheen, appointed by the President.

Chief Timothy Russell, appointed by the New Hampshire Association of Police Chiefs.

Jeannette Goldberg, Heidi Jacoby and Dr. Constance Richards, appointed by the New Hampshire College and University Council (NHCUC), who are providers of services to sexual assault survivors on their respective campuses.

Brian Giammarino, Henry Bird and Roger Beaudoin, appointed by the New Hampshire College and University Council (NHCUC) who are directors of security or safety on their respective campuses.

Susan Elsass, Dr. George J. Larkin, Jr. and Daniel A. DiBiasio, appointed by the New Hampshire College and University Council (NHCUC) who are the deans of students on their respective campuses.

Lincoln Soldati, Esq., county attorney appointed by the New Hampshire Municipal Association.

Sara A. Sawyer, designee of the Commissioner of Postsecondary Education.

Earl M. Sweeney, Director of Police Standards and Training, or designee.

Sandra Matheson, Director of the Victim/Witness Assistance Office of the Department of Justice.

SB 94 (Chapter 351:5, Laws of 1993) PILOT SATELLITE PROGRAM AT HAVERHILL STUDY

Sens. Wayne D. King and Leo W. Fraser, appointed by the President.

Reps. Patricia M. Skinner and Douglas P. Teschner, appointed by the Speaker.

E. Jeffrey Rafn, Commissioner of Postsecondary Technical Education.

Harvey Keyes (Alternate: Michael J. Graham), member of the Haverhill Economic Coordinating Council, chosen by the Haverhill selectmen.

Michael Graham, appointed by the Higher Education Advisory Committee at Haverhill.

Douglas Waites, appointed by the Governor.

SB 94 (Chapter 351:11, Laws of 1993) REDUCED MILITARY PRODUCTION STUDY

Sens. Wayne D. King and Leo W. Fraser, appointed by the President.

Reps. David A. Welch and James J. Fenton, appointed by the Speaker.

SB 102 (Chapter 214:2, Laws of 1993) ALTERNATIVE TRANSPORTATION FUELS STUDY

Sens. Beverly A. Hollingworth and Richard L. Russman, appointed by the President.

Reps. Stanley W. Peters and Frank D. Callaghan, appointed by the Speaker.

Bruce Thurston, appointed by the Governor.

Bruce B. Ellsworth, designee of the Public Utilities Commission.

Thomas B. Jelley, designee of the Commissioner of Transportation.

Charles E. Sova, designee of the Commissioner of Safety.

Gilbert Cox, designee of the Commissioner of Environmental Services.

Jonathan S. Osgood, Director of the Governor's Office of Energy and Community Services

SB 132 (Chapter 150:2, Laws of 1993) RULEMAKING PROCESS STUDY

Sens. Beverly A. Hollingworth (Joint Legislative Committee on Administrative Rules) and David P. Currier, appointed by the President.

Reps. Beverly T. Rodeschin (Joint Legislative Committee on Administrative Rules) and Michael J. Hill, appointed by the Speaker.

Robert W. Varney (Commissioner, Environmental Services) and Jeffrey R. Howard (Attorney General), Commissioners of state agencies, appointed by the Governor.

Brian Fowler (North American Reserve), representing an administratively attached agency as defined in RSA 21-G:5, I, appointed by the Governor.

Donald R. Hunter, Director of Legislative Services, who shall be an ex officio member.

Glenn Wallace, ex officio member representing the Governor, appointed by the Governor.

SB 134 (Chapter 153:2, Laws of 1993) CONTRACTING SERVICES BY THE STATE STUDY

Reps. Douglas E. Hall (Appropriations) and Kathleen W. Ward (Executive Departments and Administration), appointed by the Speaker.

Sens. C. Jeanne Shaheen (Finance Executive Committee) and Leo W. Fraser (Executive Departments and Administration Committee), appointed by the President.

Patrick Duffy, Commissioner of Administrative Services, alternate Donald S. Hill, Assistant Commissioner.

Denis W. Parker, appointed by the State Employees Association.

Donald Jutton, member from the private sector who is an efficiency expert, appointed by the Governor.

SB 141 (Chapter 318:3, Laws of 1993) CORRECTIONS STUDY

Reps. Donna P. Sytek, Patricia A. Hambrick, Vivian R. Clark, William V. Knowles and Donnalee M. Lozeau (Corrections and Criminal Justice), appointed by the Speaker.

Sens. C. Jeanne Shaheen, Leo W. Fraser, John A. King, Kenneth J. MacDonald and Wayne D. King, appointed by the President.

SB 196 (Chapter 328:12, Laws of 1993) REGIONAL AND LOCAL ECONOMIC DEVELOPMENT STUDY

Sens. Wayne D. King and Burton J. Cohen, appointed by the President.

Reps. Richard T. Trelfa and Fredrik Peyron, appointed by the Speaker.

David L. Bickford, representing a large business, appointed by the Business and Industry Association.

William Seed and Michael Monks, representing small business owners, appointed by the Business and Industry Association.

George Bald and Richard L. Hodgkinson, economic development directors, appointed by the New Hampshire Municipal Association.

Frank Edmunds, Newmarket, Town Manager, appointed by the New Hampshire Municipal Association.

Peter Gardner, representing large New Hampshire commercial banks, Willard Bromage, Jr., representing small community banks, both appointed by the New Hampshire Bankers Association.

A representative of a regional development organization, recommended by the New Hampshire Municipal Association, appointed by the Governor.

William Pillsbury, of the Department of Resources and Economic Development, Office of Business and Industry Development, appointed by the Commissioner of the Department.

SB 248 (Chapter 228, Laws of 1993) CONVENTION CENTER STUDY

Robert Rivard, designee of the Governor.

Sens. Thomas P. Colantuono and Joseph L. Delahunty, appointed by the President.

Reps. Bill Johnson and Raymond Buckley, appointed by the Speaker.

David C. Neville, designee of the Director of the Office of State Planning.

Christopher Jennings, designee of the Commissioner of the Department of Resources and Economic Development.

Bruce W. Keough, appointed by the Board of Directors of the Business Finance Authority.

Don Zizzi, Executive Director of the Greater Nashua Regional Planning Commission.

Steven L. Bird, designee of the Executive Director of the Rockingham Regional Planning Commission.

Manindra N. Sharma, designee of the Executive Director of the Southern New Hampshire Planning Commission.

The Executive Director of the North Country Council or designee.

The Executive Director of the Lakes Region Planning Commission or designee.

Stuart Arnett (Alternate: Ned Connell), designee of the Executive Director of the Upper Valley Lake Sunapee Region Planning Commission.

The Executive Director of the Southwest Region Planning Commission or designee.

The Executive Director of the Central New Hampshire Regional Planning Commission or designee.

The Executive Director of the Strafford Regional Planning Commission or designee.

Hon. William M. Gardner, Secretary of State.

Bruce Clow, representing the banking industry, appointed by the Governor.

A representative of the construction industry, appointed by the Governor.

Harland Eaton, representative of a construction trades union, appointed by the Governor.

James F. Marshall, designee of the Commissioner of the Department of Transportation.

The State Treasurer or designee.

George Mandis, representative of the hospitality industry, appointed by the Governor.

RSA 21-I:19-c, I (established by HB 603, Chapter 74, Laws of 1993) INTERAGENCY ENERGY EFFICIENCY COMMITTEE

The Director, Governor's Office of Energy and Community Services or designee.
 The Commissioner, Department of Administrative Services or designee.
 The Commissioner, Department of Transportation or designee.
 Reps. Gary R. Gilmore (d) and Karen K. McRae (r) (Science, Technology and Energy Committee) appointed by the Speaker.

RSA 21-K:10 (SB 44, Chapter 146:4, Laws of 1993) ADDING TO THE MEMBERSHIP OF THE CHRISTA McAULIFFE PLANETARIUM FOUNDATION.

Joe Marcille, President of the Christa McAuliffe Planetarium Foundation.

RSA 126-A:43-h (SB 44, Chapter 146, Laws of 1993) ADDING TO THE MEMBERSHIP OF THE EMERGENCY SHELTER COMMISSION

2 public members appointed by the Governor and Council.

RSA 126-H:3 (established by HB 672, Chapter 312, Laws of 1993) HEALTHY KIDS CORPORATION BOARD

Gillian Sheehan, appointed by the Governor.
 Rep. Barbara C. French, appointed by the Speaker.
 Sen. Susan McLane, appointed by the President.
 Joyce Johnson, designee of the Commissioner of the Department of Education.
 Robert C. Warren, Jr., designee of the Commissioner of the Insurance Department.
 Kathleen Sgambati designee of the Commissioner of the Department of Health and Human Services.

Gary S. Carter, appointed by the New Hampshire Hospital Association.
 Dr. Robert Chamberlin, Jr., appointed by the New Hampshire Pediatric Society.
 Dr. James Potter, appointed by the New Hampshire Academy of Family Practice.
 Martha Judson, appointed by the New Hampshire School Nurses Association.
 Susan Bunting, appointed by the New Hampshire Alliance for Children and Youth.
 Mary Metrolis, appointed by the New Hampshire Child Care Association.
 Rodney Tenney, appointed by the New Hampshire School Boards Association.

RSA 132:19 (SB 125, Chapter 84:3, Laws of 1993) WOMEN AT RISK TASK FORCE

The director of the New Start Program at St. Joseph's Hospital.
 Grace Rosado, Director of the New Life Ministries of N.E., Inc., Residential Program for Women.

RSA 146-D:4 OIL FUND DISBURSEMENT BOARD (member changed by HB 172, Chapter 294:7, member added by SB 168, Chapter 337:3, Laws of 1993)

Charles Sova, designee of the Commissioner of Safety. (HB 172)
 One member, who shall be a fuel oil dealer, appointed by the Governor. (SB 168)

RSA 169-C:39-d NEW HAMPSHIRE CHILD ABUSE TRUST FUND (change in board composition by SB 48, Chapter 165, Laws of 1993)

Eight members to be appointed by the governor, as follows:
 One physician recommended by the New Hampshire Medical Society.
 One educator recommended by the current members of the Board.
 One mental health professional recommended by the current members of the Board.
 Two persons recommended by the New Hampshire Task Force on Child Abuse and Neglect.
 One public member recommended by the Governor.
 Two public members recommended by the current members of the Board.
 Sens. Eleanor P. Podles and Burton J. Cohen, appointed by the President.
 Reps. Sharon L. Nordgren and Julie M. Brown, appointed by the Speaker.
 The attorney general or a designee.
 Lorrie Lutz, the Director, Division for Children and Youth Services (Alternate: Ray Barrett).

RSA 187-A:32 INVENTORS ASSISTANCE PROGRAM FUND (member added by SB 159, Chapter 327, Laws of 1993)

Professor William J. Murphy from Franklin Pierce Law Center's intellectual property, science and technology program, appointed by the law center.

RSA 188-F:42 (member added by HB 233, Chapter 182, Laws of 1993) EQUIPMENT CHALLENGE GRANT PROGRAM

One member of the general public appointed by the Governor.

RSA 193-C:7 (established by SB 224, Chapter 290, Laws of 1993) STATEWIDE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT COMMITTEE

Rep. Patricia M. Skinner, Chairperson of the House Education Committee.

Sen. George F. Disnard, Chairman of the Senate Education Committee.

Rep. Nils H. Larson, Jr., appointed by the Speaker.

Sen. George A. Lovejoy, appointed by the President.

Rep. Mary Jane Wallner (Appropriations), appointed by the Speaker.

Sen. Susan McLane (Finance Executive Committee), appointed by the President.

RSA 268:20, I (established by HB 674, Chapter 353, Laws of 1993) VEHICLE EMISSIONS ADVISORY COMMITTEE

Reps. Jeb E. Bradley, Amanda A. Merrill, Irene M. Messier and Neal M. Kurk, appointed by the Speaker of the House, at least 2 of whom reside in the program area.

Sens. Richard L. Russman, Debora B. Pignatelli, Kenneth J. MacDonald and C. Jeanne Shaheen, appointed by the Senate President, at least one of whom reside in the program area.

The Governor or his designee.

The Commissioner of Safety, or his designee, and the Commissioner of Environmental Services, or his designee, shall be non-voting members of the committee and shall supply the committee with any information that it requests concerning the inspection and maintenance program.

RSA 281-A:62 WORKERS' COMPENSATION ADVISORY COUNCIL (member added and qualifications revised by HB 606, Chapter 311, Laws of 1993)

The Commissioner of Labor or a designee.

The Insurance Commissioner or a designee.

Rep. Robert S. Hawkins, appointed by the Speaker.

Sen. Leo W. Fraser, appointed by the President.

Four persons appointed by the Governor and Council, one representing the interests of management, who shall not have interests in the insurance field, one representing the interests of labor, one representing insurance interests of commercial workers' compensation carriers.

Member added 1993:

One representative from a health care provider, appointed by Governor and Council.

RESIGNATIONS, DEATHS, ELECTIONS**RESIGNED**

07/21/93 Hills. 33 McCann, Bonnie Lou, r
 09/17/93 Merr. 21 Soldati, Jennifer G., d
 11/03/93 Hills. 26 Ackerman, Philip M., d

DECEASED

02/28/93 Hills. 41 Larochelle, Roger B., d
 07/18/93 Rock. 2 Terninko, Margaret B., d
 11/21/93 Merr. 11 Apple, Lowell D., R&d
 12/01/93 Hills. 7 McNerney, Danial P., r
 12/05/93 Merr. 18 Gross, Caroline L., r&d

SPECIAL ELECTIONS**(Took oath)**

01/13/93 Hills. 24 Kirby, Thomas J., d
 02/10/93 Merr. 12 Regan, Maurice, d
 09/29/93 Hills. 41 Stewart, Thomas R., d
 11/09/93 Hills. 33 Sullens, Joan, r
 11/09/93 Rock. 2 Case, Margaret, r

ELECTED BUT NOT SWORN

Merr. 12 Letourneau, George E., d (died 11/02/92)

400 State Representatives

R - 193 + R&D - 37 + R&D&L - 11 = 255
 D - 100 + D&R - 27 + D&L - 3 + D&R&L - 5 = 135
 L&R - 3 + L&D - 1 = 4
 I&D - 1 = 1

Currently elected and qualified: 395

Vacancies: 2 resignations
 3 deaths

Total of 5 Vacancies

264 Men, 131 Women

HOUSE JOURNAL

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26, am 141, psd 194, S conc 705, enr 761 (Chapter 113)

HB 103-FN, requiring 50 percent of moose hunting licenses for each county to be allocated to county residents. (G. Merrill, Coos/1, to Wildlife and Marine Resources)

26, ext 94, SO 270, K 284

HB 104-FN-L, amending the way in which the town of Londonderry shall collect its taxes for the fiscal year ending June 30, 1994. (B. McKinney, Rock/29, et al, to Municipal and County Government)

new title: amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal year ending June 30, 1994.

2nd new title: amending the way in which the towns of Londonderry and Sunapee shall collect their taxes for the fiscal years ending June 30, 1994 and December 31, 1993, respectively.

26, am 66-67, psd 75, S conc 135, enr am 198, enr 273 (Chapter 2)

HB 105-FN, removing the requirement that the state inspect meat by making the agriculture commissioner's authority in such matters discretionary. (M. Campbell, Rock/26, to Environment and Agriculture)

26, psd 82, 86, S nonconc 838

HB 106-FN, removing the requirement that the state vaccinate bovines against brucellosis. (M. Campbell, Rock/26, to Environment and Agriculture)

26, psd 82, 86, S Com 805, 977

HB 107-FN-A, exempting real and personal property of a decedent from the legacies and successions tax when such property passes to or for the use of a sibling or siblings of the decedent who hold the property jointly with a right of survivorship. (Cole, Ches/11, to Ways and Means)

26, rem 413, SO 455, K 465

HB 108-L, permitting counties to establish special equipment accounts for registers of deeds. (D. Sytek, Rock/26, to Municipal and County Government)

26, SO 270, am 274-275, psd 293, conc S am 820, enr 866 (Chapter 175)

HB 109-FN, increasing certain fees and making technical corrections in the tobacco tax and timber tax. (D. Sytek, Rock/26, to Ways and Means)

26, psd 81, 86, S conc 705, enr 761 (Chapter 114)

HB 110, relative to use and derivative use immunity. (Record, Hills/27, to Judiciary)

26, am 260-261, psd 272, conc S am 705, enr 761 (Chapter 115)

HB 111, repealing the pre-admission screening program for persons entering intermediate care or skilled nursing facilities. (Copenhaver, Graf/10, et al, to Health, Human Services and Elderly Affairs)

26, psd 104, 132, S conc 502, enr 503 (Chapter 22)

HB 112-FN, extending public assistance granted to needy and dependent children to otherwise eligible parents or needy caretaker relatives and changing a reference from human services to children and youth services. (Ziegra, Belk/5, et al, to Health, Human Services and Elderly Affairs)

26, psd 79, 86, S conc 362, enr 413 (Chapter 5)

HB 113, expanding the financial authority of towns. (J. Johnson, Merr/8, to Municipal and County Government)

26, am 147-148, psd 195, conc S am 820, enr 889 (Chapter 176)

HB 114, relative to hunting restrictions. (Schanda, Rock/19, to Wildlife and Marine Resources)

26, am 111-112, psd 132, conc S am 820, enr 892 (Chapter 235)

HB 115, repealing reporting requirements for fish or game propagation licensees; and limiting the time bob-houses may be on public property and adding a penalty for violations. (Coulombe, Coos/7, et al, to Wildlife and Marine Resources)

26, ext 95, am 230, psd 272, conc S am 820, enr 892 (Chapter 236)

HB 116, relative to deer tags and fly fishing on the Connecticut River. (Douglass, Straf/16, to Wildlife and Marine Resources)

new title: relative to fly fishing on the Connecticut River.

27, am 230, psd 272, S conc 530, enr 558 (Chapter 50)

HB 117, limiting the possessing or taking of marine mammals and prohibiting the taking of a fin fish or crustacean with mobile gear and salmon and striped bass with any netting. (Drake, Rock/24, to Wildlife and Marine Resources)

27, am 156-157, psd 195, S conc 502, enr 558 (Chapter 51)

HB 118, repealing the prohibition against fishing on a certain portion of the Winnicut River. (Felch, Rock/21, to Wildlife and Marine Resources)

27, psd 157, 195, S conc 502, enr 503 (Chapter 23)

HB 119-FN-L, relative to the administration and enforcement of the pesticides statutes. (M. Campbell, Rock/26, to Environment and Agriculture)

27, ext 91, SO 336, psd 353, 361, LT 875, Conc S am (2 RCs) 883-887, enr 908 (Chapter 279)

- HB 120**, mandating that workers' compensation benefits collected under New Hampshire law be the exclusive remedy for a person injured in New Hampshire. (Drabinowicz, Hills/36, to Labor, Industrial and Rehabilitative Services)
27, psd 106, 132, S conc 502, enr 503 (Chapter 24)
- HB 121-FN**, authorizing a New Hampshire Pearl Harbor survivor special number plate. (Record, Hills/27, et al, to Transportation)
27, K 156
- HB 122-FN**, changing Central Street in the town of Newport to a class II highway. (Rodeschin, Sull/4, et al, to Public Works)
27, psd 67, 75, S conc 362, enr 456 (Chapter 6)
- HB 123**, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values. (McRae, Hills/7, et al, to Transportation)
27, Com changed 48, Com 154, 974
- HB 124-A**, repealing an appropriation for an environmental and engineering study and authorization to acquire rights-of-way for construction of a truck lane on U.S. Route 2 in Jefferson. (G. Chandler, Carr/1, to Public Works)
27, psd 68, 76, S conc 362, enr 456 (Chapter 7)
- HB 125-FN**, relative to federal funding for rebuilding, modernizing, and maintaining rail properties. (G. Chandler, Carr/1, to Public Works)
27, psd 67, 75, conc S am 738, enr 803 (Chapter 116)
- HB 126-FN**, requiring the commissioner of transportation to establish an adopt-a-highway program. (G. Chandler, Carr/1, to Public Works)
27, psd 107, 132, S conc 872, enr 879 (Chapter 177)
- HB 127-FN**, relative to private lease of state railroad real estate. (Christie, Rock/22, et al, to Transportation)
27, ext 94, Com 229, 974
- HB 128-FN**, relative to the penalty for falsifying applications and to the fee for picture identification cards. (Crotty, Hills/43, et al, to Transportation)
27, psd 156, 195, S conc 705, enr 761 (Chapter 117)
- HB 129**, relative to possession of scanners when committing a crime. (Senter, Rock/16, et al, to Corrections and Criminal Justice)
27, ext 90, SO 336, K 348
- HB 130-FN**, relative to illegal possession of alcohol. (G. Merrill, Coos/1, et al, to Corrections and Criminal Justice)
27, K 141
- HB 131**, repealing a penalty provision regarding anabolic steroids. (D. Sytek, Rock/26, to Health, Human Services and Elderly Affairs)
27, Com changed 49, am 141-142, psd 195, nonconc S am, conf 704, 838, rep adop 906, enr 914 (Chapter 291)
- HB 132-L**, increasing the borrowing authority of the Bartlett water precinct. (G. Chandler, Carr/1, to Municipal and County Government)
27, psd 67, 75, S conc 362, enr 413 (Chapter 8)
- HB 133**, relative to liquid propane gas, motor fuels, diesel fuel, kerosene, and heating oils sold at wholesale or retail. (D. Sytek, Rock/26, to Environment and Agriculture)
27, K 103
- HB 134**, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood. (D. Sytek, Rock/26, to Environment and Agriculture)
27, ext 91, rcmt 253, Com 430, 974
- HB 135-FN**, exempting certain properties from the long-range planning process prior to the sale of the property by the division of human services. (C. Brown, Graf/14, to Executive Departments and Administration)
27, psd 144, 195, S conc 502, enr 503 (Chapter 25)
- HB 136-FN-L**, pertaining to the authority and operation of the public utilities commission. (Rodeschin, Sull/4, to Science, Technology and Energy)
27, am 154-155, psd 195, conc S am 877, enr am 910, enr 905 (Chapter 330)
- HB 137-FN**, lowering the level for legal intoxication under the DWI laws from .10 to .08. (Christie, Rock/22, et al, to Corrections and Criminal Justice)
27, am (RC) 236-240, psd 272, conc S am 531, enr 616 (Chapter 48)
- HB 138**, relative to revocation of hunting and fishing privileges and repealing statutory provisions relative to a guide's license to take bear. (L'Heureux, Hills/18, to Wildlife and Marine Resources)

new title: repealing statutory provisions relative to a guide's license to take bear.

27, am 157, psd 195, conc S am 821, enr 866 (Chapter 178)

HB 139, relative to requirements for transportation of deer and official seals for fur-bearing animal skins. (LaChut, Hills/2, to Wildlife and Marine Resources)

new title: relative to requirements for transportation of deer, official seals for fur-bearing animal skins, permitting the sale of imported venison to retail outlets and illegal night hunting.

28, ext 95, rem 302, SO 336, 360, ret 372, am 395, psd 411, conc S am 877, enr 893 (Chapter 237)

HB 140-FN-A, requiring a study of economic incentives and technological opportunities for encouraging waste reduction and recycling and making an appropriation therefor. (A. Merrill, Straf/8, et al, to Environment and Agriculture)

new title: establishing a task force to study economic incentives and technological opportunities to assist state and local governments and business and industry to increase waste reduction and recycling.

28, am 253-255, psd 272, nonconc S am, conf 837, 874, rep adop 906, enr 914, appointments 962 (Chapter 292)

HB 141-FN, modifying the acid deposition control program. (B. McCann, Hills/33, to Environment and Agriculture)

28, ext 91, SO 336, am 353-354, psd 361, S conc 666, enr 761 (Chapter 118)

HB 142, relative to motorcycle noise levels from American-made motorcycles. (S. Packard, Rock/29, to Transportation)

new title: relative to motorcycle noise levels.

28, am 189-190, psd 196, S conc 362, enr 456 (Chapter 9)

HB 143-FN-L, changing the definition of "drive" to include operating a bicycle. (Christie, Rock/22, to Transportation)

28, K 67

HB 144-FN, relative to refunds for unused vehicle plates. (Christie, Rock/22, to Transportation)

28, K 156

HB 145-FN-L, allowing voters in towns to petition to extend the hours of polling. (Salatiello, Belk/2, et al, to Constitutional and Statutory Revision)

28, ext 90, rem 300, SO 336, 360, ret 372, Com 376, 974

HB 146-FN-L, extending unemployment benefits to certain school employees between academic years. (McGovern, Rock/35, et al, to Labor, Industrial and Rehabilitative Services)

28, ext 92, K 435-436

HB 147-FN-A, establishing a committee to study the future and direction of the New Hampshire state hospital grounds and making an appropriation therefor. (Calawa, Hills/17, to Public Works)

new title: establishing a committee to study the future and direction of New Hampshire state hospital grounds and making an appropriation therefor and relative to involuntary emergency admissions.

28, am & Approp 181-182, psd 555, 559, nonconc S am, conf 870, 881, rep adop 906, enr 914, appointments 963 (Chapter 293)

HB 148-FN-A, appropriating funds to prevent deterioration of the Walker building and other state buildings at the New Hampshire hospital. (Calawa, Hills/17, et al, to Public Works)

28, Approp 182, K 504

HB 149-FN-A, establishing a position of grant writer within the division of public health services and making an appropriation therefor. (Copenhaver, Graf/10, to Executive Departments and Administration)

28, K 114

HB 150, modifying the number of deer an archery licensee may be entitled to take. (Drake, Rock/24, to Wildlife and Marine Resources)

new title: prohibiting hunting, fishing and trapping by a person who is in default with any judicial system in the state.

28, ext 95, am 284-285, psd 294, conc S am 877, enr 908 (Chapter 280)

HB 151-FN, permitting the department of fish and game to issue an extra deer tag to certain licensees. (Drake, Rock/24, to Wildlife and Marine Resources)

new title: permitting the department of fish and game to issue a special deer license to certain licensees, authorizing the executive director to determine the number of deer taken by an archery licensee, and relative to deer tags.

28, am 231, psd 272, nonconc S am, conf 821, 874, rep adop 908, (K)

HB 152, changing the time period within which a claim may be submitted against the state. (G. Chandler, Carr/1, to Judiciary)

28, rem 301, SO 336, 360, ret 372, am 381, psd 410, S conc 666, enr am 706, enr 761 (Chapter 119)

HB 153, prohibiting the buying and selling of bear. (Drake, Rock/24, to Wildlife and Marine Resources)

new title: prohibiting the buying and selling of bear and requiring the executive director of fish and game to adopt rules relative to the taking of moose.

28, psd 157, 195, conc S am 667, enr 706 (Chapter 99)

- HB 154-FN**, modifying the definition of high tide as it applies to wetlands. (Drake, Rock/24; Dickinson, Carr/2; Ritzo, Rock/24, to Resources, Recreation and Development)
28, Com 153, 974
- HB 155-FN-L**, charging back the costs of education for children in homes or health care facilities to the sending district. (D. Young, Ches/2, to Education)
28, Com 143, 974
- HB 156-FN-L**, exempting municipalities from the fee charged for water stored by the state. (Behrens, Sull/2, et al, to Resources, Recreation and Development)
28, K 223
- HB 157-FN-L**, restricting motor vehicle permit fee revenues collected by municipalities to highway expenditures. (J. Chandler, Merr/1, to Municipal and County Government)
28, ext 93, rem 301 SO 336, 360, ret & rem 372, K 407
- HB 158-FN-A**, changing the distribution of unrefunded road tolls. (Boucher, Rock/29, to Executive Departments and Administration)
28, K 103
- HB 159**, designating a portion of the OHRV registration fees for trail acquisition. (Boucher, Rock/29, to Wildlife and Marine Resources)
28, ext 95, psd 232, 272, S conc 530, enr 558 (Chapter 52)
- HB 160-FN**, requiring that there be separate nonpublic smoking areas for crime victims and their families in county superior courthouses. (Pepino, Hills/40, to Judiciary)
28, K 145
- HB 161-FN-A**, increasing the amount paid to members of the adult parole board and making an appropriation therefor. (D. Sytek, Rock/26, to Executive Departments and Administration)
28, Com 114, 974
- HB 162-FN-L**, returning all municipal ordinance fines to the municipality. (Rodeschin, Sull/4, et al, to Judiciary)
28, Approp 170, Com 555, 974
- HB 163-FN**, establishing a leaking underground storage tank cost recovery fund. (Conroy, Rock/13, to Resources, Recreation and Development)
new title: establishing and continually appropriating a leaking underground storage tank cost recovery fund.
29, Approp 223, psd 531, 559, S conc 705, enr am 804, enr 836 (Chapter 156)
- HB 164**, relative to premiums paid for workers' compensation. (J. Bradley, Carr/8, to Labor, Industrial and Rehabilitative Services)
new title: relative to workers' compensation disability payments, lump sum payments, and safety inspections, and establishing an insurance fraud investigation unit.
2nd new title: relative to workers' compensation lump sum payments, safety reviews, establishing an insurance fraud investigation unit, and studying workers' compensation disability payments.
3rd new title: relative to workers' compensation lump sum payments, safety inspections, establishing an insurance fraud investigation unit and establishing a committee to study workers' compensation costs.
29, ext 92, am & Approp (RC) 436-442, psd (RC) 555-558, 559, nonconc S am, conf 876, 880, 881, rules suspended & rep adop 927, enr am & enr 950, appointments 963 (Chapter 357)
- HB 165-FN**, to establish an inactive pharmacist license. (Weyler, Rock/18, to Health, Human Services and Elderly Affairs)
29, K 104
- HB 166**, relative to felons who own or possess dangerous weapons. (Record, Hills/27, et al, to Judiciary)
29, com changed 47, 63, rem 301, SO 336, 360, ret 372, am 382, psd 410, conc S am 738, enr 817 (Chapter 157)
- HB 167**, clarifying circumstances under which a person is justified in using deadly force. (Record, Hills/27, et al, to Corrections and Criminal Justice)
29, psd 240-241, 272, S Com 882, 977
- HB 168**, transferring the rulemaking authority from the board of education to the commissioner of education. (M. Hill, Merr/16, et al, to Education)
29, ext 90, K 349
- HB 169-L**, allowing the moderator to hold town or school district meetings out-of-town. (B. McKinney, Rock/29, to Municipal and County Government)
new title: allowing town and school district meetings to be held outside the town or school district.
2nd new title: allowing town and school district meetings to be held outside the town or school district and relative to the charter of the Holderness School.
29, am 124-125, psd 133, conc S am 667, enr 761 (Chapter 120)

- HB 170-FN-A**, authorizing the business finance authority to accept private funds for investment purposes. (Burling, Sull/1, to Economic Development)
29 Com 143, 974
- HB 171-FN**, changing procedures applicable to the board of registration in medicine. (D. Sytek, Rock/26, to Executive Departments and Administration)
new title: changing procedures applicable to the board of registration in medicine, and clarifying the provisions providing immunity from civil action to members of the board of chiropractic examiners, board of registration in medicine, and board of examiners of psychology and mental health practice, and good faith immunity to others who provide information to these boards.
29, ext 91, rem 301, SO 336, 360, ret 372, am 378-380, psd 410, conc S am 837, enr 889 (Chapter 179)
- HB 172-FN**, relative to the oil discharge and disposal cleanup fund. (Holbrook, Belk/7, et al, to Resources, Recreation and Development)
29, ext 93, rem 302, SO 336, 360, ret 372, am & Ways and Means 383-385, rules suspended 409-410, rules suspended & psd 497, psd 500, nonconc S am, conf 876-877, 881, rep adop 906, enr 914 (Chapter 294)
- HB 173-FN**, making the police standards and training council responsible for certification of corrections officers. (D. Sytek, Rock/26, to Corrections and Criminal Justice)
new title: making the police standards and training council responsible for certification of corrections officers and redefines the term "permanent policemen" to include "state corrections officers" for purposes of the retirement system.
2nd new title: making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent policemen" to include "state corrections officers" for purposes of the retirement system and increasing the amount paid to members of the adult parole board and making an appropriation therefor.
3rd new title: making the police standards and training council responsible for certification of corrections officers and redefining the term "permanent policeman" to include "state corrections officers" for the purposes of the retirement system and relative to the payment of medical benefits to certain group II retirement system members.
4th new title: relative to certification of corrections officers; redefining the term "permanent policeman" to include "state corrections officers" for retirement system purposes; the payment of medical benefits to certain group II retirement system members; and the supervision fee for probationers and parolees.
29, ext 90, am & Exec Depts 241-242, am & Approp 490-492, am 600-602, psd 615, nonconc S am, conf 869, 881, rep adop 906, enr am 910, enr 915 (Chapter 331)
- HB 174-FN-L**, relative to cost of living adjustments for members of the New Hampshire retirement system. (Christie, Rock/22, et al, to Executive Departments and Administration)
29, ext 91, SO 336, K 355
- HB 175-L**, revising the distribution of sweepstakes moneys. (Malcolm, Rock/22, et al, to Education)
29, ext 90, K 245
- HB 176-FN**, establishing a procedure to test and quarantine equines imported from CEM countries. (M. Campbell, Rock/26, to Environment and Agriculture)
29, am 103, psd 132, S conc 805, enr 879 (Chapter 180)
- HB 177-FN-L**, establishing procedures for the removal of town clerks, tax collectors, and treasurers. (Dyer, Hills/8, et al, to Municipal and County Government)
29, am 214-216, psd 271, conc S am 838, enr 889 (Chapter 181)
- HB 178-FN**, relative to the procedures of the board of examiners of psychology and mental health practice. (J. Brown, Straf/17, to Executive Departments and Administration)
29, ext 91, Com 432, 974
- HB 179-FN**, allowing new legislators to receive a mileage allowance for attending the legislator's orientation program. (D. Sytek, Rock/26, et al, to Legislative Administration)
new title: allowing new legislators-elect to receive a mileage allowance for attending the legislator's orientation program.
29, am 269, psd 272, nonconc S am, conf 876, 882, rep adop 906, (K)
- HB 180-FN**, relative to bonus payments and state employment preferences for Persian Gulf War veterans. (Rubin, Rock/25, to Public Protection and Veterans Affairs)
29, K 180
- HB 181-FN-L**, relative to fees charged for consultants' review of project plans. (M. Campbell, Rock/26, to Municipal and County Government)
29, K 106
- HB 182-FN**, requiring the members of executive branch boards and commissions to file financial disclosure statements. (B. Packard, Hills/19, et al, to Executive Departments and Administration)
29, psd 169, 195, conc S am 875, enr 893 (Chapter 238)

- HB 183-FN**, relative to eligibility for parole. (D. Sytek, Rock/26, to Corrections and Criminal Justice)
29, am 142, psd 195, S conc 502, enr 503 (Chapter 26)
- HB 184**, establishing a study committee to examine options for the renovation or relocation of the Plymouth district courthouse. (Driscoll, Graf/7, et al, to Public Works)
new title: establishing a study committee to oversee the design and planning of a new Plymouth district courthouse; and making an appropriation for planning and design of a new Plymouth district courthouse.
2nd new title: establishing a study committee to oversee the design and planning of a new Plymouth district courthouse.
29, am & Approp 107-108, rem 300, SO 336, 360, ret 372, am 372-373, psd 410, S conc 872, enr 893, appointments 963 (Chapter 274)
- HB 185-FN**, increasing the amount a deputy sheriff is paid when employed as a bailiff. (Record, Hills/27, to Judiciary)
29, K 83
- HB 186**, relative to notice by automobile insurance companies of policy cancellation. (Golden, Belk/5, to Commerce, Small Business and Consumer Affairs)
29, K 136
- HB 187-FN**, authorizing the division of public health services to charge fees for copies of data or statistical information. (Copenhaver, Graf/10, to Executive Departments and Administration)
29, psd 103, 132, S conc 362, enr 413 (Chapter 10)
- HB 188**, relative to special number plates for certain veterans. (Rubin, Rock/25, to Transportation)
29, K 156
- HB 189**, establishing a committee to study all the specially issued plates. (Rubin, Rock/25, to Transportation)
30, ext 94, rem 302, SO 336, 360, ret 372, K 393
- HB 190-FN**, giving the department of resources and economic development stewardship over certain abandoned rail lines. (Boucher, Rock/29, to Executive Departments and Administration)
30, Com 144, 974
- HB 191**, establishing a committee to study physician liability with regard to charitable medical care. (Amidon, Hills/9, to Health, Human Services and Elderly Affairs)
30, am 104-105, psd 132, S nonconc 667
- HB 192**, changing the procedure for submission of proposed rules by the air resources division. (McGovern, Rock/35, et al, to Environment and Agriculture)
30, Com 144, 974
- HB 193-FN-L**, changing the school foundation aid distribution formula. (Larson, Graf/8, et al, to Education)
30, ext 90, Approp (RC) & remarks 245-250, Com 571, 974
- HB 194-FN-L**, relative to rabies control. (Musler, Straf/6, et al, to Health, Human Services and Elderly Affairs)
30, psd 116, 132, Conc S am 875, enr 893 (Chapter 275)
- HB 195-FN**, relative to the sale of cider. (M. Campbell, Rock/26, et al, to Environment and Agriculture)
30, Com 144, 974
- HB 196-FN**, relative to the method for financing additional benefits for retirement system members. (McGovern, Rock/35, to Executive Departments and Administration)
30, ext 91, SO 336, am & Approp 356, psd 531, 559, (K)
- HB 197-FN**, relative to insurance fraud. (B. Gage, Rock/26, et al, to Commerce, Small Business and Consumer Affairs)
30, ext 89, 198, rem 300, SO 336, 360, ret 372, am 373, psd 410, S conc 838, enr 893 (Chapter 239)
- HB 198-FN**, abolishing the state veterans council. (O'Brien, Straf/4, to Executive Departments and Administration)
30, K 114
- HB 199-FN**, requiring municipalities to use state police forms for license applications and licenses to carry pistols and revolvers. (F. Riley, Hills/44, to Public Protection and Veterans Affairs)
30, psd 152, 195, S conc 502, enr 503 (Chapter 27)
- HB 200-FN-A**, relative to an actuarial audit of the New Hampshire retirement system, paid for from retirement system funds. (C. Brown, Graf/14, to Executive Departments and Administration)
30, Approp 115, psd 303, 336, nonconc S am, conf 875, 882, K 951
- HB 201-FN**, changing the definition of "grocery or convenience store" for purposes of the liquor laws. (Pantelakos, Rock/30, et al, to Regulated Revenues)
30, K 109

- HB 202-FN**, allowing use of photographs on file for a duplicate driver's license. (Klemarczyk, Rock/20, to Transportation)
30, psd 67-68, 75, S conc 362, enr 413 (Chapter 11)
- HB 203-FN-A**, authorizing the appropriation of funds to compensate the board of engineers for unforeseen expenses related to investigations and enforcement. (J. Chandler, Merr/1, to Executive Departments and Administration)
30, ext 91, Com 356, 974
- HB 204-FN**, relative to blood testing and counseling when wounds are received by employees at their places of employment. (M. Fuller Clark, Rock 31, et al, to Labor, Industrial and Rehabilitative Services)
30, ext 92, K 212
- HB 205-FN-A**, relative to the statewide education assessment program and making an appropriation therefor. (Skinner, Rock/27, et al, to Education)
new title: relative to the statewide education improvement and assessment program and making an appropriation therefor.
2nd new title: relative to the statewide education improvement and assessment program.
30, ext 90, SO 336, am & Approp 349-352, am 531-532, psd 559, S nonconc 872
- HB 206-FN**, permitting the supreme court to establish witness fees and a reasonable allowance for travel-related expenses for certain witnesses in criminal cases. (Pepino, Hills/40, et al, to Judiciary)
30, K 211
- HB 207-FN**, requiring the department of transportation to conduct a study of a portion of United States Route 3 and New Hampshire Routes 3-A and 11. (Whittemore, Merr/13, to Public Works)
30, K 152
- HB 208**, relative to protecting personal privacy. (Ferguson, Hills/13, et al, to Judiciary)
30, psd (RC) 116-118, 133, S nonconc 667
- HB 209-L**, exempting from the property tax structures erected on owned or leased property which are not buildings and not specifically made taxable under the property tax laws. (Ferguson, Hills/13, to Municipal and County Government)
30, K 148
- HB 210**, limiting the use of off highway recreational vehicles near occupied residences. (Raynowska, Rock/26, et al, to Transportation)
30, ext 94, rem 302, SO 336, 360, ret 372, Com 393, 974
- HB 211-A**, requiring the department of fish and game to establish a sound process for the opening, closing and monitoring of shellfish waters. (Drake, Rock 24, et al, to Wildlife and Marine Resources)
30, ext 95, Com 415, 974
- HB 212**, relative to voter registration on election day at polling places. (M. Fuller Clark, Rock/31, to Constitutional and Statutory Revision)
31, K 81
- HB 213-FN**, reorganizing the department of safety. (Warburton, Rock/12, to Executive Departments and Administration)
31, K 144
- HB 214-FN-A**, relative to results of toxicology tests and the salary of the forensic toxicologist and making an appropriation therefor. (Musler, Straf/6, et al, to Corrections and Criminal Justice)
31, Approp 82, psd 504, 528, S conc 872, enr 893 (Chapter 240)
- HB 215-FN**, relative to extradition. (Record, Hills/27, et al, to Judiciary)
31, com changed 47-48, ext 90, am 204-205, psd 271, S conc 705, enr 803 (Chapter 121)
- HB 216**, allowing owners of homes destroyed by natural disaster to place temporary manufactured housing on the lot while the home is being rebuilt. (J. Flanders, Rock/18, et al, to Municipal and County Government)
new title: allowing owners of homes damaged by disaster to place temporary manufactured housing on the lot while the home is being rebuilt. 31, psd 106, 132, conc S am 763, enr 836 (Chapter 158)
- HB 217-FN**, relative to mandatory automobile insurance. (Drabinowicz, Hills/36, et al, to Commerce, Small Business and Consumer Affairs)
31, K 158
- HB 218-FN-A-L**, relative to the driver training fund. (R. Hawkins, Belk/3, to Transportation)
31, ext 94, rem 302, SO 336, 360, ret 372, Approp 393, SO 558, am 571, psd 614, nonconc S am, conf 877, 882, rep adop 906, enr 914 (Chapter 295)
- HB 219**, requiring towns to grant a \$1,400 property tax credit to veterans with a service-connected total disability or their surviving spouses. (O'Brien, Straf/4, to Municipal and County Government)
31, rem 77, K 86

- HB 220**, relative to the committee studying the real estate valuation and revaluation process. (Peyron, Sull/4, et al, to Municipal and County Government)
31, am 106, psd 132, S conc 705, enr 803, appointments 963 (Chapter 122)
- HB 221-FN**, modifying the fish and game department's eminent domain powers and prohibiting hunting, fishing and trapping if a person is in default with any judicial system in the state. (A. Wiggin, Carr/9, et al, to Judiciary)
new title: modifying the fish and game department's eminent domain powers.
31, am 170-172, psd 196, S conc 838, enr 893 (Chapter 241)
- HB 222-FN**, authorizing the court to establish 24-hour emergency access for domestic violence actions. (C. Johnson, Belk 1, et al, to Judiciary)
31, K 172
- HB 223**, establishing a bureau of trails within the department of resources and economic development. (Boucher, Rock/29, to Resources, Recreation and Development)
new title: changing the bureau of off highway recreational vehicles to the bureau of trails and expanding the bureau's duties.
31, am 183-185, psd 196, conc S am 501, enr 558 (Chapter 53)
- HB 224-FN-L**, relative to the organization, accountability and liability of municipal fire departments. (Dyer, Hills/8, et al, to Municipal and County Government)
31, am 179-180, psd 196, S conc 502, enr 504 (Chapter 28)
- HB 225-FN-L**, requiring persons with minimal emergency medical training on buses carrying disabled children. (O'Brien, Straf/4, et al, to Education)
31, K 144
- HB 226-FN-A**, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. (Pantelakos, Rock/30, et al, to Health, Human Services and Elderly Affairs)
31, K 145
- HB 227**, relative to enforcement of parking violations. (Nordgren, Graf/10; et al, to Municipal and County Government)
31, psd 106, 132, conc S am 820, enr am 910, enr 916 (Chapter 339)
- HB 228**, requiring children between the ages of one and 12 to wear helmets when riding bicycles, and prohibiting children under one year of age from riding upon bicycles. (Klemarczyk, Rock/20, et al, to Children, Youth and Juvenile Justice)
31, K 135-136
- HB 229-FN**, relative to expenditures from the highway fund. (J. Chandler, Merr/1, et al, to Public Works)
31, psd 126, 133, (K)
- HB 230**, creating a committee to study the allocation of interest resulting from pooled state funds. (J. Chandler, Merr/1, et al, to Appropriations)
31, psd 77-78, 86, S nonconc 503
- HB 231-FN**, transferring the amount above legislative estimates in the vanity plate fund from the general fund to the highway fund. (J. Chandler, Merr/1, et al, to Appropriations)
31, SO 558, K 571
- HB 232**, permitting a licensed trapper to check traps anytime. (Kruse, Rock/26, to Wildlife and Marine Resources)
new title: permitting the checking of traps at night subject to certain restrictions.
31, ext 95, rem 302, SO 336, 360, ret 372, am 395-396, psd 411, nonconc S am, conf 870, 882, rep rej 907, new conf 908, rep adop 927 (K)
- HB 233**, relative to the equipment challenge grant program for vocational and technical education programs. (Skinner, Rock/27, to Education)
new title: relative to the equipment challenge grant program.
31, am 112-113, psd 132, S conc 805, enr 866, appointments 972 (Chapter 182)
- HB 234**, relative to the Winnisquam regional cooperative school district and the Tilton and Northfield union school district. (J. Johnson, Merr/8, et al, to Education)
31, am 66, psd 75, S conc 135, enr 197 (Chapter 1)
- HB 235-FN-A**, relative to soil conservation districts and making a supplemental appropriation therefor. (Copenhaver, Graf/10, et al, to Appropriations)
32, K 504-505
- HB 236-FN**, to require the commissioner of transportation to reduce the amount of salt spread on the state highway system. (B. Hall, Hills/20, et al, to Public Works)
32, rem 102, K 130
- HB 237**, requiring sporting clubs to recommend members to the fish and game commission. (Boucher, Rock/29, et al, to Wildlife and Marine Resources)
32, ext 95, am 415, psd 455, S conc 666, enr 706 (Chapter 100)

- HB 238**, authorizing a member of a cooperative school district to serve on a town budget committee. (J. Bradley, Carr/8, to Municipal and County Government)
32, psd 148, 195, S conc 705, enr 761 (Chapter 123)
- HB 239-L**, granting municipalities an option for quarterly billing and collection of property taxes. (Dunn, Merr/24, to Municipal and County Government)
32, ext 93, SO 336, 360, Com 363, 974
- HB 240**, modifying the definition of obscene material. (A. Smith, Rock/26, to Judiciary)
32, rem 135, K (RC) 191-193
- HB 241-FN**, establishing a procedure for medical decision-making on behalf of patients unable to make decisions for themselves. (Record, Hills/27, et al, to Judiciary)
new title: creating a committee to study the establishment of procedures for medical decision-making on behalf of patients unable to make decisions for themselves.
32, am 105-106, psd 132, conc S am 503, enr 558, appointments 963 (Chapter 66)
- HB 242-FN**, relative to the licensing and training of hoisting engineers. (Schanda, Rock/19, et al, to Executive Departments and Administration)
32, K 103-104
- HB 243**, establishing a committee to study local planning needs and mandates, and investigating various options available to fund planning services at the local level. (Metzger, Ches/13, et al, to Municipal and County Government)
32, psd 148-149, 195, nonconc S am, conf 876, 882, rep adop 907, enr 914, appointments 964 (Chapter 296)
- HB 244**, relative to parking violation enforcement. (Syracusa, Rock/33, to Municipal and County Government)
32, am 149, psd 195, S conc 805, enr am 867-868, enr 879 (Chapter 183)
- HB 245-FN**, permitting the state treasurer to appoint 2 assistant state treasurers. (B. Packard, Hills/19, et al, to Executive Departments and Administration)
32, Approp 83, rem 300, SO 336, 360, ret 372, psd 373, 410, S conc 872, enr 893 (Chapter 242)
- HB 246**, relative to health clubs. (Desrosiers, Hills/45, to Commerce, Small Business and Consumer Affairs)
32, K 136
- HB 247**, removing the requirement that an executor or trustee under a will give a bond for the payment of debt and legacy and succession taxes. (Woods, Rock/25, to Judiciary)
32, K 145
- HB 248**, to allow municipalities to decide the number of members who serve on recreation or park commissions. (N. Young, Belk/7, to Municipal and County Government)
32, psd 107, 132, S conc 490, enr 504 (Chapter 29)
- HB 249-FN-A**, relative to a lease-purchase agreement between the city of Franklin and the state to construct a new district courthouse. (Whittemore, Merr/13, et al, to Public Works)
new title: relative to a lease-purchase agreement between the city of Franklin and the state to design and construct a new district courthouse; and extending lapse dates for certain capital appropriations.
32, ext 93, SO 270, Approp 277-278, SO 558, am 572-573, psd 615, (K)
- HB 250-FN-L**, requiring the department of transportation to install a traffic signal light at the intersection of Parade Road, Elm Street and Meredith Center Road in Laconia. (Rosen, Belk/7, et al, to Public Works)
32, K 108
- HB 251-L**, to redistribute sweepstake funds. (J. Bradley, Carr 8, et al, to Education)
32, ext 90, K 250
- HB 252-FN-L**, allowing the wetlands board to adopt rules to expedite the permitting process for minimum impact projects. (Teschner, Graf/5, et al, to Resources, Recreation and Development)
32, am 153, psd 195, S conc 502, enr 504 (Chapter 30)
- HB 253**, designating a portion of funds collected under the oil pollution control fund to train and equip personnel in oil spill response. (McGovern, Rock 35, et al, to Resources, Recreation and Development)
32, ext 93, am 223-224, psd 272, S conc 530, enr 558 (Chapter 54)
- HB 254-FN**, relative to the authority of the state treasurer to void state checks and relative to increasing the fee for checks returned to the state. (B. Packard, Hills/19, et al, to Executive Departments and Administration)
32, am 78-79, psd 86, S conc 705, enr 761 (Chapter 124)
- HB 255-A**, relative to interest rates on short-term borrowing by the state treasurer. (B. Packard, Hills/19, et al, to Executive Departments and Administration)
32, psd 79, 86, S conc 502, enr 504 (Chapter 31)
- HB 256**, requiring probable cause for pupil locker searches and prohibiting videotaping in areas where pupils have a reasonable expectation of privacy. (D. Dow, Graf/7, to Judiciary)
32, K (RC) 118-121

- HB 257-FN**, relative to the disposition of revenue received by the bureau of common carriers, department of safety. (J. Chandler, Merr/1, et al, to Public Works)
32, ext 93, SO 336, 360, Com 364, 974
- HB 258-FN**, repealing the "bingo card" program registration of certain interstate certificates or permits for truckers. (Crotty, Hills/43, et al, to Transportation)
33, ext 94, rem 302, SO 336, 360, ret 372, am & Approp 393-394, psd 505, 528, conc S am 870, enr am 910, enr 915 (Chapter 338)
- HB 259-FN**, repealing the position of chancellor of the New Hampshire university system and related administrative positions. (Warburton, Rock/12, to Education)
33, K 168
- HB 260-FN-A**, establishing a used oil collection program and an automotive oil road toll to fund such program. (Rodeschin, Sull/4, et al, to Environment and Agriculture)
33, Com 114, 974
- HB 261-FN**, transferring ownership of the Seabrook Commercial Fish Pier to the town of Seabrook. (Felch, Rock/21, to Executive Departments and Administration)
33, ext 91, SO 336, am 356-357, psd 361, S conc 530, enr 558 (Chapter 55)
- HB 262-FN**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. (K. Ward, Graf/1, et al, to Executive Departments and Administration)
33, am & Approp 115, SO 558, am 573-574, psd 615, S conc 872, enr 908 (Chapter 281)
- HB 263-FN**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Pearson, Ches/17, to Executive Departments and Administration)
33, K 83
- HB 264-L**, relative to appointments to the fish and game commission. (Burling, Sull/1, to Wildlife and Marine Resources)
33, ext 95, rem 302, SO 336, 360, ret 372, K 396
- HB 265**, imposing penalties for careless driving. (L'Heureux, Hills/18, to Transportation)
33, ext 94, K 229
- HB 266-FN**, regulating home improvement contractors. (Calawa, Hills/17, to Commerce, Small Business and Consumer Affairs)
33, K 200
- HB 267**, establishing the crime of luring a minor. (J. Brown, Straf/17, et al, to Corrections and Criminal Justice)
33, ext 90, Com 242, 974
- HB 268**, increasing the penalty for certain subsequent offenses of indecent exposure. (J. Brown, Straf/17, et al, to Corrections and Criminal Justice)
33, ext 90, am 205-206, psd 271, nonconc S am, conf 738, 838, rep adop 907, enr 914 (Chapter 297)
- HB 269-FN**, extending the minimum period for driver's license revocation or suspension for drug offenses. (Malcolm, Rock/22, et al, to Corrections and Criminal Justice)
33, ext 90, SO 242, K 274
- HB 270**, relative to obtaining certain public utility company records. (Bartlett, Belk/6, to Judiciary)
33, K (RC) 261-264
- HB 271**, adding enhanced criminal penalties for acts of knowing endangerment under the hazardous waste laws. (A. Merrill, Straf/8, et al, to Environment and Agriculture)
33, ext 91, am 430-431, psd 455, S conc 666, enr am 804-805, enr 836 (Chapter 159)
- HB 272**, requiring a balanced state budget. (D. Young, Ches/2, et al, to Appropriations)
33, K 81
- HB 273**, creating a committee to study county government. (Klemarczyk, Rock/20, et al, to Municipal and County Government)
33, K 107
- HB 274**, limiting the liability of the state or any political subdivision when there is property damage or personal injury on or near a beach and the beach is clearly marked closed. (J. Bradley, Carr/8, to Judiciary)
33, K 79
- HB 275**, allowing towns to create special funds for highway expenditures. (J. Chandler, Merr/1, et al, to Municipal and County Government)
33, am 149, psd 195, S conc 838, enr 879 (Chapter 184)
- HB 276**, prohibiting a public utilities commissioner or any staff person from communicating about any adjudicatory proceeding and requiring the office of the consumer advocate to be a party to each case before the commission. (Leonard Smith, Hills/25, et al, to Science, Technology and Energy)
33, K 156

- HB 277-L**, extending the powers of heritage commissions to historic district commissions. (McNerney, Hills/7, et al, to Municipal and County Government)
33, psd 149, 195, S conc 502, enr 504 (Chapter 32)
- HB 278**, relative to joint building committees for the construction of schoolhouses. (Keans, Straf/16, et al, to Municipal and County Government)
33, com changed 64, rem 301, SO 336, 360, ret 372, am 377, psd 410, S conc 805, enr am 879, enr 889 (Chapter 185)
- HB 279**, establishing a committee to examine the effects of phosphorus and phosphorus-based products on the water quality of New Hampshire lakes, ponds, and rivers. (J. Bradley, Carr/8, et al, to Resources, Recreation and Development)
33, Com changed 64, Com 432, 974
- HB 280**, relative to zoning requirements for family day care homes. (Wadsworth, Graf/14, et al, to Municipal and County Government)
33, psd 216, 271, S Com 838, 977
- HB 281**, to change the Salisbury and Warner town lines. (Nichols, Merr/2, et al, to Municipal and County Government)
34, psd 125, 133, conc S am 413, enr 504 (Chapter 33)
- HB 282-FN**, clarifying the public utilities commission's authority to establish a temporary rate schedule and notifying rate payers of changes in rates or conditions of service. (Fenton, Hills/24, et al, to Science, Technology and Energy)
34, K 185-186
- HB 283-FN**, requiring that all capital investments made by a utility be reasonable and useful for current customers before rates are increased to cover the costs of the improvements. (Calawa, Hills/17, et al, to Science, Technology and Energy)
34, K 186
- HB 284**, regarding notice for condominium association meetings and relative to proxy voting by condominium owners. (McKinney, Rock/29, et al, to Commerce, Small Business and Consumer Affairs)
new title: regarding notice for condominium association meetings and relative to voting by condominium owners.
34, am 200-201, psd 271, conc S am 819, enr 868 (Chapter 186)
- HB 285**, establishing a study committee to review treatment by the court system of women and children in marital and domestic violence disputes. (Burling, Sull/1, to Judiciary)
34, Com 172, 974
- HB 286**, permitting towns to regulate the placement of fill. (Adams, Graf/14, et al, to Municipal and County Government)
34, K 107
- HB 287**, relative to petition to the division of water resources by a municipality for dam disrepair. (Schotanus, Sull/3, et al, to Resources, Recreation and Development)
34, am 109, psd 132, S conc 362, enr 456 (Chapter 12)
- HB 288**, relative to teacher representation on the New Hampshire retirement system board of trustees. (C. Jean, Hills/32, et al, to Executive Departments and Administration)
34, ext 91, SO 336, Approp 357, Com changed 485, psd 488, S Com 805, 977
- HB 289**, establishing a committee to study the relationships between counties and municipalities. (Salatiello, Belk/2, to Municipal and County Government)
34, K 149
- HB 290**, establishing priority of real estate tax liens. (B. Packard, Hills/19, to Commerce, Small Business and Consumer Affairs)
34, am 233, psd 272, S conc 705, enr 761 (Chapter 125)
- HB 291**, removing the duplicate copy reference on duplicate licenses. (Lozeau, Hills/30, to Transportation)
34, K 111
- HB 292**, relative to a home care clients' bill of rights. (I. Pratt, Ches/5, et al, to Health, Human Services and Elderly Affairs)
34, rem 102, am 129-130, psd 133, conc S am 869, enr 893 (Chapter 243)
- HB 293**, relative to notice to tenants prior to the sale of a manufactured housing park. (Soldati, Merr/21, et al, to Commerce, Small Business and Consumer Affairs)
34, psd 136, 194, S conc 503, enr 504 (Chapter 34)
- HB 294**, clarifying municipal liability relative to salting highways. (Kurk, Hills/5, et al, to Judiciary)
34, rem 77, K & remarks 85
- HB 295**, requiring owners of private launch ramps who charge fees for the use of such ramps to provide toilet facilities. (Weeks, Merr/24, et al, to Resources, Recreation and Development)

- new title:** requiring commercial establishments that offer public docking or launching facilities to provide toilet facilities.
34, am 224, psd 272, S conc 530, enr 558 (Chapter 56)
- HB 296**, relative to death with dignity and repealing the prohibition against causing or aiding suicide. (R. Campbell, Belk/4, to Judiciary)
34, K 264
- HB 297**, establishing a committee to study the economic and environmental benefits of conversion to propane gas. (Daigle, Hills/28, et al, to Transportation)
34, Com changed 63, rem 301, SO 336, 360, ret 372, psd 377, 410, nonconc S am, conf 704, 838, rep adop 908, enr 914, appointments 964 (Chapter 298)
- HB 298-L**, authorizing bonding by the town of North Hampton. (Woods, Rock/25, to Municipal and County Government)
34, am 80, psd 86, S conc 872, enr am 888, enr 893 (Chapter 244)
- HB 299-L**, to allow a person to serve only on the conservation commission, the planning board, or the zoning board of adjustment at the same time. (Salatiello, Belk/2, to Municipal and County Government)
34, K 216
- HB 300**, establishing a committee to study the procedural and processing requirements which the current use laws place on municipalities. (Salatiello, Belk/2, to Environment and Agriculture)
34, K 78
- HB 301-L**, authorizing towns to vote to appropriate funds to be used to pay the closing costs of town solid waste facilities over a period of time specified in a contract. (Malcolm, Rock/22, et al, to Municipal and County Government)
34, K 216
- HB 302**, establishing a time limit on handicapped parking spaces. (Syracusa, Rock/33, to Municipal and County Government)
35, K 216
- HB 303**, changing the manner in which a person accepts nomination for office by write-in vote. (Gilmore, Straf/11, et al, to Constitutional and Statutory Revision)
35, am 102-103, psd 132, conc S am 820, enr 868 (Chapter 187)
- HB 304**, increasing the allowable income levels for the adjustable and optional elderly exemptions. (A. Smith, Rock/26, et al, to Municipal and County Government)
35, K 80
- HB 305**, requiring legislative committee chairpersons and vice-chairpersons to be appointed according to party affiliation. (O'Brien, Straf/4, to Legislative Administration)
35, rem 135, K 193
- HB 306**, relative to the right to vote after a voter's name is removed from the checklist. (Jasper, Hills/23, et al, to Constitutional and Statutory Revision)
35, K 103
- HB 307**, permitting municipalities to contract with their road agents without competitive bidding. (P. Cote, Rock/9, to Municipal and County Government)
35, am 216, psd 271 S nonconc 705
- HB 308**, establishing a committee to study the viability of SAUs, and whether a school district should vote on whether to belong to an SAU. (D. Young, Ches/2, to Education)
35, ext 90, Com 207, 974
- HB 309**, prohibiting service-connected disability payments from being used in the calculation of alimony. (D. Young, Ches/2, et al, to Judiciary)
35, K 80
- HB 310**, relative to the definition of "bedroom" for the purposes of determining septic system size. (D. Young, Ches/2, to Resources, Recreation and Development)
35, rem 199, SO 270, am 292-293, psd 294, conc S am 503, enr 558 (Chapter 57)
- HB 311**, increasing the membership on the New Hampshire retirement system board of trustees. (R. Wheeler, Hills/7, to Executive Departments and Administration)
35, ext 92, 273, Com (RC) 492-495, 974
- HB 312**, relative to protecting New Hampshire's heritage landmarks and establishing a review process. (Sallada, Hills/4, to Resources, Recreation and Development)
35, ext 94, am 224-225, psd 272, S conc 503, enr am 666, enr 706 (Chapter 101)
- HB 313**, relative to mortgage insurance. (Pepino, Hills/40, to Commerce, Small Business and Consumer Affairs)
35, am 136, psd 194, conc S am 704, enr 817 (Chapter 160)

- HB 314**, relative to commingling of funds and security deposits. (Pepino, Hills/40, to Commerce, Small Business and Consumer Affairs)
35, K 136
- HB 315**, to require the wearing of motorcycle protective headgear. (Guest, Graf/10, et al, to Transportation)
35, ext 94, SO 336, 360, K 371
- HB 316**, relative to assessments by the joint underwriters association. (Copenhaver, Graf/10, to Commerce, Small Business and Consumer Affairs)
35, ext 89, K (RC) 307-310
- HB 317**, requiring any surplus general fund moneys to be used to pay for solid waste facility closures. (Trombly, Merr/4, et al, to Appropriations)
new title: establishing a grant program for closure of unlined solid waste landfills.
35, SO 558, am & Com 574-576, 974
- HB 318**, changing the requirements for filing notices of intent to cut. (Ferguson, Hills/13, to Resources, Recreation and Development)
new title: changing the requirements for filing notices of intent to cut and reports of cut.
35, am 109-110, psd 132, S conc 362, enr 456 (Chapter 13)
- HB 319**, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal. (Dodge, Hills/18, et al, to Public Works)
35, rem 102, Com 130, 974
- HB 320**, permitting municipalities with burn authorizations to burn leaf or yard waste until the burn authorization expires. (G. Wiggin, Carr/6, to Environment and Agriculture)
35, K 103
- HB 321**, prohibiting public officers from altering documents filed by the public. (G. Wiggin, Carr/6, to Corrections and Criminal Justice)
35, K 78
- HB 322**, requiring the insurance department in cooperation with insurers to define the term "usual and customary." (Braiterman, Merr/3, to Commerce, Small Business and Consumer Affairs)
new title: requiring insurers to provide insureds with a statement reflecting the dollar amount of allowable benefit for medical procedures.
35, ext 89, am 201-202, psd 271, S conc 666, enr 706 (Chapter 102)
- HB 323**, allowing municipalities to waive payment of up to 90 days of interest on the amount by which property taxes are in excess of the total amount of property taxes in the previous tax year. (Franks, Hills/26, et al, to Municipal and County Government)
35, K 149-150
- HB 324**, relative to conditional discharge of a patient under the mental health laws. (Senter, Rock/16, et al, to Corrections and Criminal Justice)
35, am 142-143, psd 195, S conc 503, enr 504 (Chapter 35)
- HB 325**, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates. (R. Hawkins, Belk/3, to Municipal and County Government)
35, Com 150, 974
- HB 326**, requiring persons who repossess motor vehicles to notify the local police or county sheriff of the repossession. (Woods, Rock/25, to Commerce, Small Business and Consumer Affairs)
36, rcmt 158-159, rem 300, SO 336, 360, ret 372, psd 373, 410, S conc 530, enr 558 (Chapter 58)
- HB 327**, establishing a committee to study discrepancies between New Hampshire Blue Cross/Blue Shield and Massachusetts Blue Cross/Blue Shield. (Hunter, Hills/7, to Commerce, Small Business and Consumer Affairs)
36, K 137
- HB 328**, relative to payment of mortgage loan proceeds at closings. (R. Wheeler, Hills/7, et al, to Commerce, Small Business and Consumer Affairs)
new title: requiring the refund of mortgage loan application fees and costs when a loan application is not processed due to the financial failure of the mortgage lender.
2nd new title: relative to the priority for distribution in insolvency proceedings of fees and costs paid in advance by consumers in relation to a mortgage application.
36, am 202, psd 271, conc S am 820, enr 893 (Chapter 245)
- HB 329**, granting condominium associations a 6-month assessment lien priority over first mortgage or deed of trust liens. (Gargiulo, Rock/25, to Commerce, Small Business and Consumer Affairs)
36, ext 89, K 233-234
- HB 330**, relative to the authority of municipalities to designate certain roads as class V highways. (Salatiello, Belk/2, to Municipal and County Government)
36, psd 150, 195, nonconc S am 876

- HB 331**, establishing a committee to study the relationship between the state and municipalities regarding home rule. (Salatiello, Belk/2, to Municipal and County Government)
36, K 150
- HB 332**, authorizing municipalities to create revolving funds to support public recreation parks. (Salatiello, Belk/2, to Municipal and County Government)
36, am 216-217, psd 271, conc S am 763, enr 836 (Chapter 161)
- HB 333**, requiring health insurers to notify New Hampshire policy holders who have out-of-state insurance that they may incur different charges than those insured under an in-state plan by the same company. (Hunter, Hills/7, to Commerce, Small Business and Consumer Affairs)
36, K 137
- HB 334**, establishing a committee to study and evaluate the manner in which the scope of responsibility and relationship of the department of revenue administration to municipalities can be enhanced. (Salatiello, Belk/2, to Municipal and County Government)36, K 217
- HB 335**, relative to listing the names of candidates on ballots used in voting machines. (Ackerman, Hills/26, to Constitutional and Statutory Revision)
36, psd 81-82, 86, conc S am 738, enr 803 (Chapter 126)
- HB 336**, relative to voter registration in cities. (C. Brown, Graf/14, to Constitutional and Statutory Revision)
36, am 78, psd 86, S conc 362, enr 504 (Chapter 36)
- HB 337**, limiting the liability of volunteer and part-paid fire service instructors. (Burling, Sull/1, et al, to Judiciary)
36, K 106
- HB 338**, limiting liability of landowners who, without charge, allow their land to be used for fire, rescue or emergency training. (Burling, Sull/1, to Judiciary)
36, K 83
- HB 339**, relative to reporting requirements for elected officials and candidates. (D. Sytek, Rock/26, et al, to Constitutional and Statutory Revision)
36, am 137-138, psd 194, nonconc S am, conf 875, 882, rules suspended & rep adop 927-928, (K)
- HB 340**, relative to technical changes in the small employer insurance law. (Mercer, Hills/27, et al, to Commerce, Small Business and Consumer Affairs)
36, ext 89, rem 300, SO 336, 360, psd 373, 410, conc S am 704, enr 817 (Chapter 162)
- HB 341**, relative to a small employer insurance availability act. (Mercer, Hills/27, et al, to Commerce, Small Business and Consumer Affairs)
new title: relative to a small employer insurance availability act and standardized medical benefits forms.
36, ext 89, 198, am 415-420, psd 455, S Com 838, 977
- HB 342-L**, relative to the use of revenue derived from parking meters for public transportation systems. (Nordgren, Graf/10, et al, to Municipal and County Government)
36, psd 150, 195, S conc 362, enr 456 (Chapter 14)
- HB 343**, relative to an engineer's good samaritan act. (J. Chandler, Merr/1, to Judiciary)
36, K 80
- HB 344-A**, relative to a municipality's share of construction and repair of bridges and adding the Thompson bridge in Swanzey to the bridge reconstruction plan. (Perry, Ches/11, to Public Works)
36, rem 102, LT 130-131, K 951
- HB 345**, establishing procedures for expediting resolution of medical injury claims. (Record, Hills/27, et al, to Judiciary)
36, K 211
- HB 346**, relative to the award of damages for loss of consortium and loss of society and companionship. (DePecol, Ches/14, et al, to Judiciary)
36, K (RC) 121-124
- HB 347**, authorizing the forfeiture of automobiles as a penalty for prostitution violations. (Pepino, Hills/40, to Judiciary)
36, K 124
- HB 348**, standardizing forms used by insurance companies for medical benefits claims. (K. Foster, Ches/19, et al, to Commerce, Small Business and Consumer Affairs)
36, ext 89, rem 300, SO 336, 360, ret 372, am 373-374, psd 410, conc S am 704, enr 761 (Chapter 127)
- HB 349**, requiring that selectmen or assessing officials be allowed access to property as a prerequisite to appeal of any matter pertaining to a property tax. (Apple, Merr/11, to Municipal and County Government)
37, am 217, psd 271, S conc 705, enr 803 (Chapter 128)
- HB 350**, authorizing municipalities and the public utilities commission to regulate cable television rates to the extent that federal law permits. (J. Flanders, Rock/18, et al, to Science, Technology and Energy)
37, Com 81, 974

- HB 351**, relative to the positions of town clerk, town treasurer, and tax collector and the terms for such positions. (Musler, Straf/6, to Municipal and County Government)
37, ext 93, am 217-218, psd 271, S conc 563, enr 665 (Chapter 68)
- HB 352**, requiring DWI offenders to supply a certified copy of their New Hampshire driver's license record at the time of enrollment into an impaired driver intervention program. (Wallner, Merr/24, et al, to Transportation)
37, ext 94, psd 229, 272, conc S am 820, enr 889 (Chapter 188)
- HB 353**, relative to the police commission in the town of Conway. (Allard, Carr/2, to Municipal and County Government)
37, psd 67, 75, S conc 705, enr 761 (Chapter 129)
- HB 354**, relative to electing planning board members in towns without a town council form of government. (E. Moore, Hills/6, to Municipal and County Government)
37, am 150-151, psd 195, S conc 563, enr 665 (Chapter 69)
- HB 355**, establishing a study committee to determine whether the bureau of weights and measures should be within the department of safety. (D. Sytek, Rock/26, et al, to Executive Departments and Administration)
37, K 115
- HB 356-L**, relative to legal disputes between the state and counties regarding Article 28-a violations. (Record, Hills/27, to Judiciary)
new title: relative to legal disputes between the state and political subdivisions of the state regarding Article 28-a violations.
37, am 264-265, psd 272, nonconc S am, conf 838, 874, rep adop 907, enr 914 (Chapter 299)
- HB 357**, allowing the department of motor vehicles to revoke a license for up to 10 years for accidents involving a fatality. (Hambrick, Straf/7, to Transportation)
37, rcmt 190, K 415
- HB 358**, allowing the creation of or participation in professional corporations by physician assistants. (Nardi, Hills/39, et al, to Commerce, Small Business and Consumer Affairs)
37, ext 89, am 202-203, psd 271, nonconc S am, conf 869, 882, rep adop 907, enr 914 (Chapter 300)
- HB 359**, making a technical change relative to class II highways. (Burnham, Ches/8, to Public Works)
37, psd 108, 132, S conc 362, enr 413 (Chapter 15)
- HB 360**, allowing municipalities to adopt a new optional elderly property tax relief exemption. (Rose, Graf/12, et al, to Municipal and County Government)
37, K 67
- HB 361**, relative to credit finance charges. (Newman, Rock/4, to Commerce, Small Business and Consumer Affairs)
37, K 203
- HB 362**, requiring vehicle light use during any period windshield wipers are in operation. (Avery, Ches/8, et al, to Transportation)
37, ext 94, SO 336, 360, Com 371, 974
- HB 363**, exempting nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from obtaining such license in this state. (Kennedy, Merr/7, et al, to Public Protection and Veterans Affairs)
new title: exempting certain nonresidents who are peace officers or hold valid licenses to carry loaded pistols and revolvers from obtaining such license in this state.
37, am 152, psd 195, S conc 705, enr 761 (Chapter 130)
- HB 364**, relative to the practice of architecture. (P. Wells, Hills/16, to Executive Departments and Administration)
37, ext 92, rem 301, SO 336, 360, ret 372, psd 380, 410, S conc 563, enr 665 (Chapter 70)
- HB 365**, prohibiting a person convicted of a felony, sentenced to prison and appealing such sentence, from release on bail. (Newman, Rock/4, to Corrections and Criminal Justice)
37, K 206
- HB 366-L**, allowing the town moderator to mediate certain disputes. (Salatiello, Belk/2, to Municipal and County Government)
37, K 67
- HB 367**, requiring parental notification before abortions may be performed on unemancipated minors. (Noyes, Rock/26, et al, to Judiciary)
37, K (RC) 172-175
- HB 368**, relative to the definition of "good cause" for the purpose of property tax abatements. (Fenton, Hills/24, et al., to Municipal and County Government)
37, ext 93, SO 270, K 275-276

- HB 369**, establishing a committee to study the issue of radon levels in the state of New Hampshire. (Linda Smith, Belk/5, to Environment and Agriculture)
new title: requiring the commissioner of the department of environmental services and the director of public health services to study the issue of radon levels in the state of New Hampshire.
37, ext 91, rem 301, SO 336, 360, ret 372, am 377-378, psd 410, S conc 666, enr 706 (Chapter 103)
- HB 370**, establishing a local government advisory committee. (Linda Smith, Belk/5, et al, to Legislative Administration)
37, rem 199, SO 270, Com 287, 974
- HB 371**, relative to the appointment and qualifications of the commissioners of a local housing authority. (Chester, Rock/20, et al, to Municipal and County Government)
37, K 151
- HB 372**, relative to allowable bingo hall rental fees. (Fenton, Hills/24, et al, to Regulated Revenues)
38, K 126
- HB 373**, relative to notification of employees of corrections facilities after exposure to infectious diseases. (P. Wells, Hills/16, to Health, Human Services and Elderly Affairs)
38, psd 105, 132, S conc 362, enr 413 (Chapter 16)
- HB 374**, relative to testing inmates in county correctional facilities for infectious diseases. (P. Wells, Hills/16, to Health, Human Services and Elderly Affairs)
38, K 105
- HB 375**, allowing surviving spouses to retain POW plates. (Pfaff, Merr/11, et al, to Transportation)
38, K 84
- HB 376**, allowing nonprofit corporations to elect to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund on an annual basis. (Allen, Hills/1, to Labor, Industrial and Rehabilitative Services)
new title: relative to the election by nonprofit corporations and municipalities to reimburse unemployment compensation benefits or to pay contributions to the unemployment compensation fund.
38, ext 92, am 212-213, psd 271, S conc 666, enr 706 (Chapter 104)
- HB 377**, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments. (M. Holt, Hills/26, to Transportation)
38, ext 94, rem 302, SO 336, 360, ret & rem 372, Com 407, 974
- HB 378**, relative to the selection of members of the wetlands board. (Ham, Graf/4, to Resources, Recreation and Development)
38, am 110-111, psd 132, S nonconc 705
- HB 379**, requiring that map and lot numbers be included on deeds. (Hunt, Ches 10, to Municipal and County Government)
38, K 151
- HB 380**, relative to the voting procedure at primary elections for registered members of political parties. (Record, Hills/27, et al, to Constitutional and Statutory Revision)
38, ext 90, K 234-235
- HB 381**, prohibiting a person from working at a polling place as an election officer if a member of the officer's immediate family is on the ballot. (Malcolm, Rock/22, et al, to Constitutional and Statutory Revision)38, psd 160, 195, S nonconc 805
- HB 382**, changing the annual rate of interest on judgments and business transactions. (Mercer, Hills/27, et al, to Commerce, Small Business and Consumer Affairs)
38, ext 89, am 311, psd 336, S Com 882, 977
- HB 383**, establishing a health and recreation trails committee. (Hashem, Straf 6, et al, to Resources, Recreation and Development)
38, K 153-154
- HB 384**, allowing the public utilities commission to limit expenditures of a public utility in a rate case. (Leonard Smith, Hills/25, et al, to Science, Technology and Energy)
38, K 156
- HB 385-L**, enabling public school districts to contract with private schools to provide for the education of at-risk students. (Hunt, Ches/10, to Education)
38, ext 91, rem 301, SO 336, 360, ret 372, K 377
- HB 386**, allowing the supreme court to change the status of a district court justice from special to full-time, under certain circumstances. (Burling, Sull/1, to Judiciary)
new title: establishing a committee to study the district court system.
38, am 145-146, psd 195, S Com 503, 977
- HB 387**, relative to the use of gender neutral language in New Hampshire. (Wallner, Merr/24, et al, to Legislative Administration)
38, ext 92, rem 301, SO 336, 360, ret 372, Com 381, 974

- HB 388**, relative to disclosures by the seller of real property. (Dowling, Rock/13, to Commerce, Small Business and Consumer Affairs)
38, rem 199, rcmt 286, Com 414, 974
- HB 389**, relative to information which need not be disclosed in the sale of property. (Dowling, Rock/13, et al, to Commerce, Small Business and Consumer Affairs)
38, rem 199, SO 270, rcmt 286, Com 414, 974
- HB 390**, to limit the terms of office for the members of the United States Congress from New Hampshire. (Gilmore, Straf/11, et al, to State-Federal Relations)
38, ext 94, SO 336, 360, am (RC) 365-368, psd 410, nonconc S am, conf 870, 882, K 951
- HB 391**, establishing a committee to study whether to establish a public pay equity system in determining state, county and municipal employee compensation. (G. Katsakiores, Rock/13, to Executive Departments and Administration)
38, K 169
- HB 392**, relative to merchants' refund policies. (Durham, Hills/22, to Commerce, Small Business and Consumer Affairs)
38, ext 89, rem 300, SO 336, 360, ret 372, K 374
- HB 393**, relative to duties of supervisors of a checklist. (Holden, Hills/14, et al, to Constitutional and Statutory Revision)
38, ext 90, psd 204, 271, S conc 805, enr 836 (Chapter 163)
- HB 394**, relative to discrimination in automobile insurance policies. (Allison, Sull/10, et al, to Commerce, Small Business and Consumer Affairs)
38, ext 89, 198, Com 414, 975
- HB 395**, relative to death with dignity for certain persons suffering terminal illness. (Guest, Graf/10, et al, to Judiciary)
39, rcmt 175, Com 432, 975
- HB 396**, establishing a committee to study mechanisms of funding and providing long-term care for the elderly. (Kurk, Hills/5, to Health, Human Services and Elderly Affairs)
39, am 209, psd 271, S conc 490, enr 504, appointments 964 (Chapter 37)
- HB 397**, eliminating de novo appeals in certain cases of license suspension or revocation and changing the venue of such appeals. (Lozeau, Hills/30, to Judiciary)
39, K 146
- HB 398**, relative to driver education reciprocity. (Senter, Rock/16, to Transportation)
39, ext 94, rem 302, SO 336, 360, ret 372, am 394-395, psd 411, S conc 530, enr 558 (Chapter 59)
- HB 399**, modifying a certain portion of the blue laws regarding Sunday business activity. (Buckley, Hills/44, to Commerce, Small Business and Consumer Affairs)
new title: removing a certain portion of the blue laws regarding Sunday business activity and relative to certain police regulations.
39, ext 89, am 234, psd 272, nonconc S am, conf 704, 838, rep adop 907, enr 914 (Chapter 301)
- HB 400**, authorizing the division of water resources to acquire the Oliverian Dam in Benton. (Teschner, Graf/5, et al, to Resources, Recreation and Development)
new title: authorizing the division of water resources to acquire the Oliverian Dam in Benton and transferring certain dam rights and easements to the division of water resources.
39, Approp 111, am 505, psd 528, S conc 873, enr 879 (Chapter 189)
- HB 401**, rejecting the "fireman's rule" in New Hampshire. (Buckley, Hills/44, et al, to Judiciary)
39, Com 175, 975
- HB 402**, encouraging the composting of food wastes and recycling of construction and demolition debris. (Gilmore, Straf/11, et al, to Environment and Agriculture)
39, psd 82, 86, S conc 362, enr 456 (Chapter 17)
- HB 403**, prohibiting cable television companies from charging for more than one cable connection per residence. (Lozeau, Hills/30, to Science, Technology and Energy)
39, Com 81, 975
- HB 404**, relative to reporting requirements for political committees. (Flanagan, Rock/14, et al, to Constitutional and Statutory Revision)
39, ext 90, Com 235, 975
- HB 405**, relative to financing of manufactured housing. (Lozeau, Hills/30, to Commerce, Small Business and Consumer Affairs)
39, psd 137, 194, S conc 503, enr 504 (Chapter 38)
- HB 406**, establishing a committee to study pet overpopulation. (K. Wheeler, Straf 8, et al, to Health, Human Services and Elderly Affairs)
39, psd 105, 132, S conc 873, enr 893, appointments 964-965 (Chapter 246)

- HB 407**, making technical changes to the laws governing the courts. (Burling, Sull/1, et al, to Judiciary)
39, ext 92, am 432-435, psd 455, conc S am 762, enr 879 (Chapter 190)
- HB 408**, providing for grace periods on and adjustments to mortgage payments prior to a foreclosure. (Gorman, Rock/8, to Commerce, Small Business and Consumer Affairs)
39, K 137
- HB 409**, establishing a committee to study and recommend an abortion policy. (Hemon, Straf/11, to Judiciary)
39, K 146
- HB 410-L**, relative to the election of town officers and the appointment of a deputy town treasurer. (Williamson, Rock/3, et al, to Municipal and County Government)
39, Com 180, 975
- HB 411-FN-L**, relative to the hours of polling in cities and towns. (Fuller Clark, Rock/31, to Constitutional and Statutory Revision)
39, ext 90, rem 300, SO 336, 360, ret 372, Com 376, 975
- HB 412-FN**, allowing liquor licenses for billiard facilities. (B. Moore, Rock/21, to Regulated Revenues)
39, am 222, psd 272, S nonconc 883
- HB 413-FN**, relative to plumbers and plumbing. (LaMott, Graf/5, et al, to Executive Departments and Administration)
39, Com 104, 975
- HB 414-FN-L**, providing a 2 percent cost of living adjustment for permanent firemen members of the retirement system. (O'Rourke, Hills/39, et al, to Executive Departments and Administration)
39, ext 92, SO 336, Com 357, 975
- HB 415-FN-L**, relative to partial payments of past due property taxes. (Buckley, Hills/44, to Municipal and County Government)
39, K 151
- HB 416-FN**, transferring all authority over OHRV's from the fish and game department to the bureau of off highway recreational vehicles in the department of resources and economic development. (Boucher, Rock/29, to Executive Departments and Administration)
39, K 104
- HB 417-FN**, providing a 5 percent cost of living adjustment for permanent policemen members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. (K. Ward, Graf/1, et al, to Executive Departments and Administration)
39, Approp 144, rem 504, am 528, psd 529, S conc 873, enr am 910-911, enr 916 (Chapter 340)
- HB 418**, relative to costs of prevailing employees under the workers' compensation law. (Palmer, Sull/11, et al, to Labor, Industrial and Rehabilitative Services)
40, ext 92, psd 213, 271, S conc 666, enr 706 (Chapter 105)
- HB 419-FN-L**, requiring seatbelts on all buses transporting school children. (Ahlgren, Hills/40, et al, to Transportation)
40, K 156
- HB 420**, relative to the instructions to voters on ballots. (K. Rogers, Merr/22, et al, to Constitutional and Statutory Revision)
40, ext 90, K 204
- HB 421**, relative to reorganization of the executive branch of state government. (Warburton, Rock/12, to Executive Departments and Administration)
40, Com 104, 975.
- HB 422-FN-A**, exempting meals under \$1 from the meals and rooms tax. (Welch, Rock/18, to Ways and Means)
40, K 465
- HB 423-FN**, creating a crimeline fund and authorizing judges to order persons convicted of certain offenses to pay an amount to the crimeline fund. (O'Rourke, Hills/39, et al, to Corrections and Criminal Justice)
40, K 143
- HB 424-FN**, permitting the state treasurer to pay the costs of bank services from income generated by the state treasury. (B. Packard, Hills/19, et al, to Executive Departments and Administration)
40, psd 115, 132, S conc 490, enr 504 (Chapter 39)
- HB 425-A**, relative to Hampton harbor dredging and making an appropriation therefor. (Felch, Rock/21, to Public Works)
40, K 152-153
- HB 426-FN**, allowing reimbursement for cleanup of leaks from above ground tanks. (Peyron, Sull/4, et al, to Resources, Recreation and Development)

new title: establishing a separate account in the oil discharge and disposal cleanup fund to reimburse owners of bulk storage facilities for the costs associated with gasoline and diesel product spillage.

40, ext 94, am 225-227, psd 272, S conc 503, enr 504 (Chapter 40)

HB 427-FN, relative to cost-of-living increases in the AFDC standard of need. (Amidon, Hills/9, et al, to Health, Human Services and Elderly Affairs)

new title: relative to the cost of living increases in the AFDC payment standard.

40, ext 92, am & Approp 256, rules suspended 560, am 634, psd 661, nonconc S am, conf 869, 882, rep adop 908 (K)

HB 428-FN-L, authorizing the county convention for Rockingham county to employ a delegation coordinator. (D. Sytek, Rock/26, et al, to Municipal and County Government)

40, psd 180, 196, S conc 503, enr 504 (Chapter 41)

HB 429, limiting liability of trappers for certain accidents involving domestic animals. (Kruse, Rock/26, to Judiciary)

40, K 146-147

HB 430-FN-L, establishing a recall procedure for elected state and local public officials. (Gorman, Rock/8, et al, to Constitutional and Statutory Revision)

40, ext 90, K 235

HB 431-FN-A, establishing a 5 percent tax on golf fees to benefit education. (O'Brien, Straf/4, to Ways and Means)

40, K (RC) 126-129

HB 432-FN, authorizing the racing commission to license electronic games of chance only at pari-mutuel wagering race tracks. (Felch, Rock/21, to Regulated Revenues)

40, ext 93, SO 303, K (RC) 337-340

HB 433-FN-L, providing a cost of living adjustment for group I and group II retirement system members. (W. McCann, Straf/11, to Executive Departments and Administration)

40, ext 92, SO 336, am & Approp 357-358, rem 531, SO 558, am 594-595, psd 615, S conc 873, enr 889 (Chapter 191)

HB 434-FN, relative to the assessment of the oil import license fee. (Holbrook, Belk/7, to Resources, Recreation and Development)

40, ext 94, rem 302, SO 336, 360, ret 372, am & Ways and Means 385-386, rules suspended 409-410, rules suspended & psd 497, 500, S conc 705, enr 817 (Chapter 171)

HB 435-FN, relative to an alternate state contribution for surface water treatment systems. (Larson, Graf/8, to Resources, Recreation and Development)

new title: relative to an alternate state contribution for surface water treatment systems and making an appropriation therefor.

40, SO 270, am & Approp 278-284, SO 558, am 576-578, psd 615, nonconc S am, conf 877, 882, rep adop 907, enr am 911, enr 916 (Chapter 341)

HB 436-FN, requiring the division of motor vehicles to provide limited driving privileges to certain persons who have lost their privileges. (Hutchinson, Rock/29, to Transportation)

40, ext 94, K 230

HB 437-FN, requiring parents involved with child custody or support issues to participate in certain seminars. (Wallner, Merr/24, et al, to Children, Youth and Juvenile Justice)

new title: establishing a pilot program in one county designated by the court requiring parents involved with child custody or support issues to participate in certain seminars and making an appropriation therefor.

2nd new title: establishing a program requiring parents involved with child custody or support issues to participate in certain seminars and making an appropriation therefor.

40, ext 89, am (RC) & Ways and Means 303-307, rules suspended, am & Approp 497-498, am 602-604, psd 615, conc S am 875, enr 908 (Chapter 282)

HB 438-FN, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number. (Pepino, Hills/40, to Public Protection and Veterans Affairs)

40, Com 180-181, 975

HB 439, relative to the profession of engineering. (J. Chandler, Merr/1, et al, to Executive Departments and Administration)

40, ext 92, rem 301, SO 336, 360, ret 372, Com 380, 975

HB 440-FN, providing a 2 percent cost of living adjustment for certain employee members of the retirement system and relative to when cost of living adjustments may be granted to retirement system members. (K. Ward, Graf/1, et al, to Executive Departments and Administration)

new title: providing cost of living adjustments for certain employee members of the retirement system.

40, ext 92, SO 336, am & Approp 358-359, psd 532, 559 S conc 873, enr 889 (Chapter 192)

- HB 441-FN**, requiring all water utilities to perform a cost of service study to ensure that they are charging only for the actual expense of providing service to a particular town. (Boucher, Rock/29, et al, to Science, Technology and Energy)
41, K 186
- HB 442-FN**, creating the New Hampshire trade port commission. (Syracusa, Rock/33, et al, to Commerce, Small Business and Consumer Affairs)
41, ext 89, am & Approp (2 RCs) 311-336, Com 604, 975
- HB 443**, relative to the applicability of the state-federal unemployment compensation extended benefit program and relative to the status of the commissioner of the department of employment security as an interested party in cases in controversy at the administrative level. (Skinner, Rock/27, et al, to Labor, Industrial and Rehabilitative Services)
41, ext 92, psd 414-415, 455, S conc 563, enr 665 (Chapter 71)
- HB 444-FN**, allowing citizens to register to vote while applying for driver's licenses. (DePecol, Ches/14, et al, to Constitutional and Statutory Revision)
41, Com 112, 975
- HB 445-FN-A**, requiring a study of state and local expenditures and making an appropriation therefor. (Teschner, Graf/5, et al, to Legislative Administration)
41, rem 199, SO 270, K 287
- HB 446**, relative to appointing inspectors of election for school district elections. (Fenton, Hills/24, et al, to Constitutional and Statutory Revision)
41, K 138
- HB 447-A**, to acquire land at Odiorne Point and making an appropriation therefor. (Drake, Rock/24, et al, to Public Works)
new title: to acquire land at Odiorne Point and making an appropriation therefor, authorizing the use of certain remaining balances for Hampton Harbor dredging, and making an appropriation therefor for Hampton Harbor dredging.
41, am & Approp 68, am 157-158, psd 195, conc S am & enr 361 (Chapter 3)
- HB 448**, to define total expenditures made during a state primary campaign. (Gilmore, Straf/11, et al, to Constitutional and Statutory Revision)
41, psd 160, 195, nonconc S am 869
- HB 449**, relative to listing candidates on general election ballots. (Gilmore, Straf/11, et al, to Constitutional and Statutory Revision)
41, ext 90, SO 336, Com 343, 975
- HB 450-FN-A**, appropriating matching funds to the New Hampshire Historical Society for renovations to the Stone Warehouse in Concord. (Fuller Clark, Rock/31, to Public Works)
41, am & Approp 182-183, SO 558, am 578, psd 615, S conc 873, enr 909 (Chapter 283)
- HB 451-FN**, regulating naturopathic health care practice. (K. Wheeler, Straf/8, et al, to Health, Human Services and Elderly Affairs)
41, ext 92, am & Exec. Depts 256-257, Com (RC) 506-509, 975
- HB 452-FN**, establishing a moratorium on increasing or converting inpatient beds in or to licensed nursing homes, and nursing facilities and to and from residential care facilities and creating a committee to study the issue. (Nardi, Hills/39, et al, to Health, Human Services and Elderly Affairs)
41, K 145
- HB 453-FN**, relative to delays in processing applications for state public assistance. (T. Cain, Belk/3, et al, to Health, Human Services and Elderly Affairs)
new title: relative to delays in processing applications for state public assistance, and making an appropriation therefor.
41, am & Approp 257, SO 558, am 578-579, psd 615, S conc 838, enr 879 (Chapter 229)
- HB 454-FN**, removing the requirement that courts approve temporary transfers of county prisoners. (Record, Hills/27, to Corrections and Criminal Justice)
41, am 206, psd 271, nonconc S am, conf 704, 838, rep adop 907, enr 914 (Chapter 302)
- HB 455-FN**, increasing the funds available for prevention programs from 5 percent to 15 percent of the appropriation to the division for children and youth services. (Wallner, Merr/24, et al, to Children, Youth and Juvenile Justice)
new title: increasing the funds available for prevention programs from 5 percent to 10 percent of the appropriation to the division for children and youth services.
2nd new title: increasing the funds available for prevention programs from not less than 5 percent to not less than 6 percent of the appropriation in each fiscal year after 1994, to the division for children and youth services.
41, am & Approp 232-233, rules suspended 560, am 634, psd 661, S conc 873, enr 893 (Chapter 247)

- HB 456-FN**, modifying the bail statutes relative to persons arrested for violating certain protective orders. (D. Sytek, Rock/26, et al, to Corrections and Criminal Justice)
41, ext 90, rem 199, SO 270, am 286, psd 294, nonconc S am, conf 704, 838, rep adop 907, enr 914 (Chapter 303)
- HB 457**, making fee splitting or accepting fees for referrals grounds for suspension or revocation of a pharmacy license. (Mercer, Hills/27, et al, to Commerce, Small Business and Consumer Affairs)
new title: making fee splitting or accepting fees for referrals by pharmacists or pharmacies, or ownership of a pharmacy by a licensed practitioner, grounds for suspension or revocation of a pharmacy license.
41, ext 89, rem 300, SO 336, 360, ret 372, am 374-375, psd 410, conc S am 530-531, enr 662 (Chapter 67)
- HB 458-FN-L**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily. (Wadsworth, Graf/14, et al, to Health, Human Services and Elderly Affairs)
41, ext 92, Com 258, 975
- HB 459-FN-A**, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor. (K. Wheeler, Straf/8, et al, to Health, Human Services and Elderly Affairs)
41, Approp 169, Com 532, 975
- HB 460**, allowing the court to order offenders to pay restitution to the victims' assistance fund. (Record, Hills/27, et al, to Judiciary)
42, psd 147, 195, S conc 503, enr 504 (Chapter 42)
- HB 461-FN**, establishing a special organization license plate program. (M. Holt, Hills/26, to Transportation)
42, K 156
- HB 462-FN**, relative to the victims' assistance fund. (Copenhaver, Graf/10, to Judiciary)
42, am & Approp 175-176, psd 532, 559, S conc 705, enr 761 (Chapter 131)
- HB 463-FN-L**, allowing municipalities reimbursement from the state for aid paid to persons in need due to a delay in aid at the state level. (Salatiello, Belk/2, to Executive Departments and Administration)
42, Com changed 64, K 209
- HB 464-FN-A**, making merchant marine veterans eligible for veterans' bonus programs and authorizing such payments from the general fund. (Feuerstein, Merr/13, et al, to Public Protection and Veterans Affairs)
new title: recognizing merchant marines who served in World War II as World War II veterans.
42, SO 270, am 277, psd 293, nonconc S am, conf 820, 874, rep adop 907, enr 914 (Chapter 304)
- HB 465-FN-A**, extending the surcharge on the real estate transfer tax. (D. Sytek, Rock/26, et al, to Ways and Means)
42, K 527
- HB 466-FN-L**, allowing public access for swimming on all great ponds. (C. Cote, Rock/11, to Resources, Recreation and Development)
42, K 154
- HB 467-FN-L**, relative to increasing the percentage of state road assistance funds to towns and cities. (Rose, Graf/12, et al, to Public Works)
42, K 108-109
- HB 468-FN**, reorganizing the department of health and human services. (Warburton, Rock/12, to Executive Departments and Administration)
42, K 79
- HB 469-A**, allowing the state treasurer to issue bonds to pay for debt issuance costs. (B. Packard, Hills/19, et al, to Executive Departments and Administration)
new title: allowing the state treasurer to issue bonds to pay for debt issuance costs and to enter into swap agreements.
42, Approp 83, psd 303, 336, nonconc S am, conf 762, 838, rep adop 907, enr 914 (Chapter 305)
- HB 470-FN-L**, allowing the governing body of a municipality to set an interest rate on taxes on tax-redeemed property. (Daniels, Hills/13, et al, to Municipal and County Government)
new title: allowing selectmen or assessors to abate interest accrued on property taxes.
42, SO 270, am 276, psd 293 S conc 564, enr 665 (Chapter 86)
- HB 471-FN**, relative to default for failure to appear in court or plea by mail. (Lozeau, Hills/30, to Judiciary)
42, K 176
- HB 472-FN**, exempting certain used oil marketers from the hazardous waste cleanup fund fees. (Rodeschin, Sull/4, et al, to Environment and Agriculture)
42, Com 114, 975

- HB 473-FN**, exempting certain charitable organizations from certain charitable trust filing fees. (Scanlan, Graf/11, et al, to Commerce, Small Business and Consumer Affairs)
42, psd 137, 194, S conc 490, enr 504 (Chapter 43)
- HB 474**, prohibiting automobile insurers from requiring coverage for an insured automobile for persons in the insured's household under age 25, if the person under age 25 does not drive the insured automobile. (Rice, Belk/7, et al, to Commerce, Small Business and Consumer Affairs)
42, ext 89, K 203
- HB 475**, relative to special permits for the use of crossbows by physically disabled persons. (D. Cote, Hills/29, et al, to Wildlife and Marine Resources)
42, psd 157, 195, S conc 503, enr 504 (Chapter 44)
- HB 476**, establishing the crime of stalking. (D. Sytek, Rock/26, et al, to Corrections and Criminal Justice)
new title: establishing the crime of stalking and authorizing the state to enforce domestic violence protective orders issued in other states.
42, ext 90, am 242-243, psd 272, conc S am 837, enr 866 (Chapter 173)
- HB 477**, to change the date for holding the state primary election. (Teague, Merr/20, et al, to Constitutional and Statutory Revision)
42, K 160
- HB 478-L**, allowing municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption. (Holmes, Merr/14, et al, to Municipal and County Government)
42, ext 93, am 218-219, psd 271, S conc 666, enr 706 (Chapter 106)
- HB 479**, establishing a study committee to recommend regulations applicable to wrecker operators. (Rice, Belk/7, to Transportation)
42, K 81
- HB 480**, limiting the liability of landowners who allow their land to be used for outdoor recreational or educational purposes. (Burling, Sull/1, et al, to Judiciary)
42, Com 80, 975
- HB 481**, enabling municipalities to enact noise ordinances. (Leonard Smith, Hills/25, et al, to Municipal and County Government)
42, psd 219, 271, nonconc S am, conf 876, 882, rep adop 908, enr 914 (Chapter 306)
- HB 482**, providing when a division of land is not considered a subdivision subject to local subdivision regulation. (Dickinson, Carr/2, et al, to Municipal and County Government)
43, K 219
- HB 483-FN-L**, relative to the licensing of dogs. (Dickinson, Carr/2, et al, to Municipal and County Government)
43, am 219, 220, psd 271, nonconc S am, conf 876, 882, rep adop 908, (K)
- HB 484-L**, requiring the Hillsborough county commissioners to order reductions in county expenditures, under certain circumstances. (Kurk, Hills/5, et al, to Municipal and County Government)
43, K 220
- HB 485**, prohibiting casino gambling in New Hampshire. (Salatiello, Belk/2, to Regulated Revenues)
43, K 222
- HB 486**, designating segments of the Piscataquog River for the rivers management and protection program. (Kurk, Hills/5, et al, to Resources, Recreation and Development)
43, am 227, psd 272, S conc 564, enr am 706, enr 761 (Chapter 132)
- HB 487**, relative to recapturing funds expended on medicaid recipients. (Kurk, Hills/5, to Health, Human Services and Elderly Affairs)
43, K 258
- HB 488**, authorizing the commissioner of corrections to recommend a prisoner to the adult parole board if the prisoner has completed certain programs or treatment. (Braiterman, Merr/3, et al, to Corrections and Criminal Justice)
43, ext 90, am 243-244, psd 272, S conc 503, enr 504 (Chapter 45)
- HB 489**, authorizing the establishment of municipal trails. (Metzger, Ches/13, et al, to Municipal and County Government)
43, am 220, psd 271, S conc 503, enr 558 (Chapter 60)
- HB 490**, permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared. (Whittemore, Merr/13, et al, to Constitutional and Statutory Revision)
43, psd (RC) 160-163, 195, recon rej 196, conc S am 820, enr 889 (Chapter 193)
- HB 491-FN-A-L**, requiring that certain medicaid enhancement funds be used to augment the funding distributed under the Augenblick formula for state aid to education. (Teague, Merr/20, et al, to Appropriations)
43, SO 558, Com (RC) 579-582, 975

- HB 492-FN-A**, relative to the veterans' cemetery committee and site suitability testing for a veterans' cemetery and making an appropriation therefor. (Fenton, Hills/24, et al, to Public Protection and Veterans Affairs)
43, am & Approp 181, am 505-506, psd 528, S conc 873, enr 889 (Chapter 194)
- HB 493**, revising the laws that require a prescription to purchase a hypodermic needle. (Copenhaver, Graf/10, et al, to Health, Human Services and Elderly Affairs)
new title: relative to purchasing hypodermic needles, educating persons regarding safe disposal of needles and drug rehabilitation and establishing an advisory committee.
43, psd 169, 195, conc S am 875-876, enr 893, veto sustained (RC) 924-927, motion to print debate in journal rej 933
- HB 494**, establishing a joint committee on recodification of solid waste laws. (A. Merrill, Straf/8, et al, to Environment and Agriculture)
43, ext 91, am 208, psd 271, conc S am 625, enr 761, appointments 965 (Chapter 133)
- HB 495**, establishing a committee to study the feasibility of allowing casino gambling in the state of New Hampshire. (Rice, Belk/7, to Regulated Revenues)
43, ext 93, K 222-223
- HB 496**, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation. (Conroy, Rock/13, to Commerce, Small Business and Consumer Affairs)
43, ext 89, rem 300, SO 336, 360, ret 372, Com 375, 975
- HB 497**, allowing towns and school districts to use the official ballot for any issue before the voters. (Domaigne, Hills/44, et al, to Constitutional and Statutory Revision)
43, Com 82, 975
- HB 498**, relative to the committee reviewing the laws governing tax-exempt property and studying the concept of and criteria for payment in lieu of taxes by tax-exempt properties. (Weyler, Rock/18, to Municipal and County Government)
43, psd 67, 75, S conc 362, enr 413, appointments 965, (Chapter 18)
- HB 499**, changing a reference to a veterans organization and the qualifications for veterans' property tax credits. (Weyler, Rock/18, to Municipal and County Government)
43, psd 107, 132, S conc 564, enr 665 (Chapter 73)
- HB 500**, relative to the obligations of lessees of publicly owned property for the payment of property taxes. (Weyler, Rock/18, to Municipal and County Government)
43, psd 68, 75, S conc 705, enr am 868, enr 879 (Chapter 195)
- HB 501-FN-L**, relative to the distribution of funds made available to municipalities for capital improvements. (Wasson, Straf/10, to Executive Departments and Administration)
44, K 104
- HB 502**, relative to public trust water rights in New Hampshire. (Conroy, Rock/13, et al, to Resources, Recreation and Development)
44, ext 94, Com 227, 975
- HB 503**, relative to past legislative enactments authorizing water use in New Hampshire and giving official notice to all water users that the division of water resources will prepare a list of all water users. (Conroy, Rock/13, et al, to Resources, Recreation and Development)
44, ext 94, rem 302, SO 336, 360, ret 372, am 386-387, psd 410, nonconc S am, conf 763, 838, rep adop 907, enr 914 (Chapter 307)
- HB 504**, relative to organ transplants. (Copenhaver, Graf/10, et al, to Labor, Industrial and Rehabilitative Services)
44, am 147, psd 195, S nonconc 838
- HB 505**, relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities. (Lozeau, Hills/30, to Corrections and Criminal Justice)
new title: relative to implied consent for blood alcohol content testing in certain motor vehicle fatalities and making technical corrections to certain provisions of the DWI and implied consent laws.
44, am 244-245, psd 272, nonconc S am, conf 875, 882, rep adop 907, enr am 911-912, enr 916 (Chapter 342)
- HB 506**, relative to certain uses of an artificial light to locate animals. (Woods, Rock/25, et al, to Wildlife and Marine Resources)
new title: expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals.
44, am 232, psd 272, S conc 564, enr 665 (Chapter 72)
- HB 507-L**, requiring a super majority vote in certain matters of spending and taxation. (Wright, Hills/22 et al, to Legislative Administration)
44, ext 92, 134, K 444

- HB 508**, permitting a dam to be constructed on Jenness pond in Northwood. (R. Johnson, Rock/1, to Resources, Recreation and Development)
44, psd 111, 132, S conc 362, enr 456 (Chapter 19)
- HB 509-FN-L**, requiring the public utilities commission to distribute the economic burden of Seabrook equally among New Hampshire Electric Cooperative's customers. (Leonard Smith, Hills/25, et al, to Science, Technology and Energy)
44, K 186
- HB 510**, relative to certificate of election blanks and write-in votes, establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions, and repealing RSA 108-A. (Gilmore, Straf/11, et al, to Constitutional and Statutory Revision)
new title: relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions.
44, ext 90, am 235-236, psd 272, S Com 882, 977
- HB 511**, establishing a committee to study the cost effectiveness of family support services. (Simon, Rock/17, et al, to Children, Youth and Juvenile Justice)
44, K 102
- HB 512-FN-L**, prohibiting building inspectors from issuing building permits for construction on property on which there is an outstanding property tax balance. (Simon, Rock/17, et al, to Municipal and County Government)
44, ext 93, K 220
- HB 513**, establishing a uniform employment termination act. (M. Hawkinson, Coos/7, et al, to Labor, Industrial and Rehabilitative Services)
44, ext 92, K 442
- HB 514**, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees. (Gilmore, Straf/11, et al, to Constitutional and Statutory Revision)
44, am 138-140, psd 194, S Com 882, 977
- HB 515-FN-A**, requiring the department of transportation to install a barrier separating the north and south-bound lanes of U.S. Route I-93 in Franconia Notch and making an appropriation therefor. (McIlwaine, Graf/3, et al, to Public Works)
44, K 183
- HB 516**, eliminating the duty of a public employee labor organization to engage in collective bargaining on behalf of employees who elect not to join the organization. (Daniels, Hills/13, et al, to Labor, Industrial and Rehabilitative Services)
44, ext 92, K 268
- HB 517-FN**, to establish a statewide bingo game. (Fenton, Hills/24, et al, to Regulated Revenues)
44, Com 109, 975
- HB 518**, relative to automobile insurance premium rates. (Soldati, Merr/21, et al, to Commerce, Small Business and Consumer Affairs)
44, psd 234, 272, S nonconc 872
- HB 519-FN**, making technical changes in the mental health laws and relative to persons providing active care services. (Dunn, Merr/24, et al, to Executive Departments and Administration)
44, ext 92, rem 301, SO 336, 360, ret 372, Com 380, 975
- HB 520**, eliminating straight ticket voting on the ballot. (Trombly, Merr/4, et al, to Constitutional and Statutory Revision)44, ext 90, SO 336, Com (RC) 343-346, 975
- HB 521**, relative to maternity benefits. (Braiterman, Merr/3, et al, to Commerce, Small Business and Consumer Affairs)
44, am 137, psd 194, conc S am 704, enr am 868, enr 879 (Chapter 196)
- HB 522**, relative to the observance of Memorial Day. (Ritzo, Rock/24, et al, to Public Protection and Veterans Affairs)
45, ext 93, rem 199, SO 270, psd (RC) 290-292, 294, S conc 705, enr 761 (Chapter 134)
- HB 523**, requiring emblems to assist firefighters to be placed on certain buildings. (Smart, Hills/29, et al, to Public Protection and Veterans Affairs)
45, ext 93, rem 302, SO 336, 360, ret 372, Com 382, 975
- HB 524**, relative to the caller ID block service. (Newman, Rock/4, to Science, Technology and Energy)
45, K 186
- HB 525**, relative to city budgets for school districts. (Snyder, Straf/14, to Municipal and County Government)
45, ext 93, rem 301, SO 336, 360, ret 372, Com 381, 975

- HB 526**, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists. (Lozeau, Hills/30, et al, to Commerce, Small Business and Consumer Affairs)
45, ext 89, rem 300, SO 336, 360, ret 372, Com 375, 975
- HB 527**, relative to limiting the taking of deer in Rockingham county. (Crossman, Rock/32, et al, to Wildlife and Marine Resources)
45, ext 95, Com 232, 975
- HB 528**, relative to the payment of taxes by electronic funds transfer. (D. Sytek, Rock/26, et al, to Ways and Means)
45, psd 84, 86, conc S am 503, enr 558 (Chapter 61)
- HB 529**, requiring certain billing procedures for custodial fees on IRA accounts. (Bergeron, Hills/32, et al, to Commerce, Small Business and Consumer Affairs)
45, ext 89, rem 300, SO 336, 360, ret & rem 372, psd (3 RCs) 396-404, 411, recon rej 411, S nonconc 706
- HB 530**, relative to announcing the results of ballot questions and elections in cooperative school districts. (Fenton, Hills/24, to Constitutional and Statutory Revision)
45, K 78
- HB 531**, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections. (Fenton, Hills/24, et al, to Constitutional and Statutory Revision)
45, psd (2 RCs) 163-168, 195 recon rej 196, S Com 882, 977
- HB 532-FN-L**, to redistribute foundation aid funds. (Hunt, Ches/10, to Education)
45, ext 91, K 250
- HB 533**, enabling municipalities to bill owners of tax exempt property for services provided. (K. Rogers, Merr/22, to Municipal and County Government)
45, K 151
- HB 534**, enabling municipalities to establish special tax districts. (K. Rogers, Merr/22, to Municipal and County Government)
45, ext 93, K 220
- HB 535**, relative to the municipal optional fiscal year. (K. Rogers, Merr/22, to Municipal and County Government)
45, ext 93, K 220
- HB 536**, expanding user fee opportunities in cities and towns. (K. Rogers, Merr/22, to Municipal and County Government)
45, ext 93, K 221
- HB 537**, requiring certain persons convicted of sexual offenses as a condition of parole to register as sex offenders. (Knowles, Straff/11, et al, to Corrections and Criminal Justice)
new title: relative to registration of sexual offenders.
45, ext 90, am 206-207, psd 271, conc S am 738, enr 803 (Chapter 135)
- HB 538**, decreasing the time within which wildlife may be taken. (Christie, Rock/22, et al, to Wildlife and Marine Resources)
45, ext 95, rem 302, SO 336, 360, ret 372, K 396
- HB 539-L**, relative to certain actions not constituting an activity subject to subdivision regulations. (Allen, Hills/1, to Municipal and County Government)
45, ext 93, SO 270, K 276
- HB 540**, making application of the current use laws a local option. (Shaw/ Merr/12, to Environment and Agriculture)
45, K 168
- HB 541**, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections. (Philbrook, Hills/30, et al, to Constitutional and Statutory Revision)
45, am 140-141, psd 194, S Com 882, 977
- HB 542**, restricting the interest rate which may be charged on loans, including business and consumer credit loans. (N. Young, Belk/7, to Commerce, Small Business and Consumer Affairs)
45, K 203
- HB 543**, allowing municipalities to combine the offices of tax collector and treasurer. (K. Rogers, Merr/22, to Municipal and County Government)
45, ext 93, am 221, psd 271, S nonconc 706
- HB 544**, relative to telephone solicitation. (Soldati, Merr/21, et al, to Commerce, Small Business and Consumer Affairs)
45, ext 89, Com 203, 975
- HB 545**, authorizing the state to enforce domestic violence protective orders issued in other states. (D. Sytek, Rock/26, et al, to Judiciary)
45, ext 92, Com 211, 975

- HB 546**, relative to general contractors bidding for construction work. (J. Ward, Merr/12, to Commerce, Small Business and Consumer Affairs)
45, ext 89, rem 300, SO 336, 360, ret 372, K 375
- HB 547**, to exempt the real and personal property of societies of Freemasons from taxation. (Miller, Rock/13, et al, to Municipal and County Government)
46, K 107
- HB 548**, providing staggered terms for county commissioners in Carroll county. (Dickinson, Carr/2, et al, to Municipal and County Government)
new title: providing staggered terms for county commissioners in Carroll county and relative to the payment of burial expenses for assisted persons who die in county nursing homes.
46, psd 151, 195, nonconc S am, conf 876, 882, rep adop 908, enr 914 (Chapter 308)
- HB 549**, authorizing the executive committee of the county convention to suspend county commissioners. (Rosencrantz, Rock/20, to Municipal and County Government)
46, K 152
- HB 550**, extending time limits within which condominium projects can be completed. (Gargiulo, Rock/25, to Commerce, Small Business and Consumer Affairs)
46, K 203
- HB 551-L**, requiring voter approval for the issuance of all bonds in cities and town council government towns. (Hemon, Straf/11, to Municipal and County Government)
46, ext 93, K 221
- HB 552**, prohibiting insurance companies from refusing to insure pre-existing conditions. (K. Wheeler, Straf/8, et al, to Commerce, Small Business and Consumer Affairs)
49, ext 89, 198, K 420
- HB 553**, establishing a committee to study alternative sentencing. (Cole, Ches/11, et al, to Corrections and Criminal Justice)
49, ext 90, K 245
- HB 554**, reducing the number of public employees required to certify a bargaining unit. (Smart, Hills/29, et al, to Labor, Industrial and Rehabilitative Services)
50, K (RC) 176-179
- HB 555**, relative to freshness dating on sandwiches. (Hunt, Ches/10, to Environment and Agriculture)
50, ext 91, rem 301, SO 336, 360, ret 372, am 378, psd 410, S conc 530, enr 558 (Chapter 62)
- HB 556-FN-A**, offering a reward for the apprehension of former Newport district court judge, John C. Fairbanks, and making an appropriation therefor. (Burling, Sull/1, et al, to Judiciary)
50, SO 336, Approp 360, SO 558, am 582, psd 615, S conc 838, enr 868 (Chapter 197)
- HB 557-FN-A**, requiring the appropriation of funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state's defense. (Burling, Sull/1, et al, to Judiciary)
50, K (RC) 265-267
- HB 558**, requiring the board of education to submit its proposed rules to the standing legislative education committees for approval or objections. (W. Riley, Ches/7, et al, to Education)
new title: requiring the board of education to submit its proposed rules relative to standards and statewide testing and assessment to the standing legislative education committees for approval or objections.
50, ext 91, SO 336, am 352-353, psd 361, S conc 873, enr 893, veto sustained (RC) 921-924
- HB 559**, relative to acquiring property by eminent domain and allowing a customer to terminate water service from a water utility and to drill a well. (Leonard Smith, Hills/25, et al, to Resources, Recreation and Development)
new title: allowing a customer to terminate service from a water utility.
50, ext 94, rem 302, SO 336, 360, ret 372, am 387-388, psd 410, conc S am 870, enr 893 (Chapter 248)
- HB 560**, changing procedures regarding appointment of guardians of minors. (Burling, Sull/1, to Judiciary)
50, am 211, psd 271, conc S am 705, enr 761 (Chapter 136)
- HB 561**, requiring that certain rules adopted by the board of education be approved by the education committees of the senate and the house. (Larson, Graf/8, et al, to Education)
50, ext 91, rem 301, SO 336, 360, ret 372, K 377
- HB 562**, relative to meetings regarding security issues in correctional facilities. (Record, Hills/27, et al, to Judiciary)
50, am 212, psd 271, S conc 503, enr 504 (Chapter 46)
- HB 563**, relative to the authority of creditors to file writs of execution against personal property. (Klemarczyk, Rock/20, to Judiciary)
50, K 212

- HB 564-FN-A**, lowering the cigarette tax to \$.21. (Simon, Rock/17, et al, to Ways and Means)
50, rem 414, SO 455, K 465
- HB 565**, prohibiting hazing. (K. Wheeler, Straf/8, et al, to Corrections and Criminal Justice)
50, ext 90, SO 336, am 348-349, psd 361, conc S am 762, enr 817 (Chapter 155)
- HB 566**, relative to towing motor vehicles from commercial parking lots. (M. Holt, Hills/26, to Transportation)
50, K 111
- HB 567-FN-A**, requiring the office of state planning to conduct a satellite survey of clearcut areas and making an appropriation therefor. (Cogswell, Carr/5, et al, to Resources, Recreation and Development)
50, am & Approp 227-228, SO 558, am 582-583, psd 615, S conc 839, enr 879 (Chapter 198)
- HB 568-FN-L**, eliminating the cap on state guaranteed debt issued by towns and cities to close landfills. (K. Rogers, Merr/22, to Municipal and County Government)
50, ext 93, K 221
- HB 569-FN-L**, relative to flammability testing of seating furniture manufactured for public buildings. (Morrissette, Hills/32, et al, to Public Protection and Veteran Affairs)
50, ext 93, rem 302, SO 336, 360 ret 372, Com 382, 975
- HB 570-FN-L**, imposing a land use change penalty assessment for land which changes use more than once in a 10-year period and distributing continually appropriated penalty assessments to municipalities which have large acreages of land in current use. (Scanlan, Graf/11, et al, to Environment and Agriculture)
new title: creating a statewide current use reimbursement program.
50, ext 91, SO 336, am, LT & S Ct opin req (HR20) 354-355, Com 835, 975, S Ct opin printed 917-921
- HB 571-FN**, establishing the emissions reduction credits trading program and creating a committee to study emissions reduction credits trading. (J. Bradley, Carr/8, et al, to Environment and Agriculture)
50, com changed 64, rem 302, SO 336, 360, ret 372, am 390-393, psd 410, conc S am 820, enr 889, appointments 965 (Chapter 199)
- HB 572-FN-A**, authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund and appointing special duty forest rangers, and making an appropriation therefor. (Schotanus, Sull/3, et al, to Resources, Recreation and Development)
new title: authorizing the division of forests and lands to assess administrative fines, establishing a forest management and protection fund, and appointing special deputy forest rangers.
50, am & Approp 228, SO 558, am 583, psd 615, S conc 839, enr 866 (Chapter 230)
- HB 573-FN**, permitting, regulating and taxing video gambling machine use. (Hutchinson, Rock/29, et al, to Regulated Revenues)
51, ext 93, SO 336, 360, K 365
- HB 574**, relative to the certification of insurance agents and brokers. (Buco, Rock/26, to Commerce, Small Business and Consumer Affairs)
57, K 203
- HB 575-FN**, prohibiting bear dog training. (R. Foster, Carr/10, et al, to Wildlife and Marine Resources)
new title: limiting dog training and authorizing the executive director of fish and game to issue permits for the use of bear dogs to control agricultural and property damage.
57, ext 95, SO 270, rcmt 285-286, SO 455, am 464, psd 488, conc S am 870, enr 889 (Chapter 234)
- HB 576-FN-A**, relative to the taxation of meals. (W. McCann, Straf/11, et al, to Ways and Means)
57, Com 483, 975
- HB 577**, allowing municipalities to regulate activities on the ice on great ponds. (Burnham, Ches/8, et al, to Resources, Recreation and Development)
new title: allowing municipalities to post warnings regarding the ice on great ponds.
57, ext 94, am 228-229, psd 272, S conc 530, enr 558 (Chapter 63)
- HB 578**, requiring grandparents who are petitioning for visitation with their grandchildren to pay only for their personal costs. (McGuirk, Ches/1, to Children, Youth and Juvenile Justice)
new title: repealing the requirement that grandparents pay all costs arising out of petitions for visitation with their grandchildren.
57, am 199-200, psd 271, S nonconc 667
- HB 579**, relative to the right of police officers to recover for injuries caused by the wanton or willful conduct of others. (M. Hill, Merr/16, et al, to Judiciary)
57, Com 176, 975
- HB 580-FN-A**, relative to the catastrophic illness program fund and making an appropriation therefor. (N. Young, Belk/7, to Appropriations)
58, K 506

- HB 581**, relative to the use of an altered form of identification to purchase alcoholic beverages. (N. Young, Belk/7, et al, to Transportation)
58, ext 94, psd 230, 272, S nonconc 706
- HB 582**, establishing a legislative oversight committee on the policies and procedures of the division for children and youth services. (N. Young, Belk/7, et al, to Children, Youth and Juvenile Justice)
58, K 136
- HB 583**, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts. (Allen, Hills/1, to Executive Departments and Administration)
58, ext 134, 273, Com 490, 975
- HB 584-FN-L**, increasing the misdemeanor and felony penalty assessment and transferring such increase to municipalities. (K. Rogers, Merr/22, to Corrections and Criminal Justice)
58, K 207
- HB 585-FN**, requiring state agencies to purchase recycled materials. (McIlwaine, Graf/3, et al, to Executive Departments and Administration)
58, ext 134, rem 301, SO 336, 360, ret 372, am 380, psd 410, conc S am 705, enr 803 (Chapter 137)
- HB 586-FN**, exempting certain OHRV's from registration fees. (Lefebvre, Hills/31, et al, to Transportation)
58, ext 94, SO 336, 360, Com 371, 975
- HB 587-FN-A**, extending the surcharge on the communications services tax. (D. Sytek, Rock/26, et al, to Ways and Means)
58, K 527
- HB 588-FN**, reducing the tolls on the Everett turnpike in the town of Merrimack. (Greenberg, Hills/18, to Public Works)
58, K 153
- HB 589-FN**, requiring licensure of additional medical utilization review entities. (K. Wheeler, Straf/8, et al, to Health, Human Services and Elderly Affairs)
new title: requiring certain entities performing medical utilization review services to register with the insurance department.
58, am & Approp 209-210, SO 558, psd 584, 615, S conc 873, enr 893 (Chapter 249)
- HB 590-FN-A**, imposing a supplemental tobacco tax to fund health education for minors. (K. Foster, Ches/19, et al, to Ways and Means)
58, SO 455, K (RC) 456-459
- HB 591-FN-L**, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card. (Dunn, Merr/24, et al, to Municipal and County Government)
58, am 221-222, psd 271, S Com 805, 977
- HB 592-FN-A**, designating a percentage of the meals and rooms tax to fund the department of resources and economic development, division of economic development. (Larson, Graf/8, et al, to Ways and Means)
new title: establishing a committee to study the state's economic development activities.
2nd new title: establishing a committee to study the state's economic development activities and establishing a committee to study the feasibility of establishing a community service program in New Hampshire.
58, SO 455, am 462-464, psd 488, nonconc S am, conf 877, 882, rep adop 907, enr 914, appointments 965-966 (Chapter 309)
- HB 593-FN-A**, extending the surcharge on the meals and rooms tax. (D. Sytek, Rock/26, et al, to Ways and Means)
58, K 528
- HB 594**, relative to medical and surgical benefits for group I and group II retired employees. (Gross, Merr/18, et al, to Executive Departments and Administration)
new title: relative to medical and surgical benefits for group I and group II retired employees and relative to the payment of medical benefits to certain group II retirement system members.
2nd new title: relative to medical and surgical benefits for group I and group II retired employees.
58, ext 134, SO 336, am & Approp 359-360, am 532, psd 559, S conc 873, enr 893 (Chapter 276)
- HB 595-FN**, allowing HIV testing for AIDS of a perpetrator of certain crimes at the request of the victim. (Lozeau, Hills/30, to Health, Human Services and Elderly Affairs)
58, am & Approp 210-211, psd 506, 528, conc S am 738, enr 803 (Chapter 138)
- HB 596-FN**, to provide rulemaking notice to municipalities and legislators. (M. Campbell, Rock/26, to Executive Departments and Administration)
58, am 144-145, psd 195, conc S am 837, enr 879 (Chapter 200)
- HB 597-FN**, exempting single family lots from the fee charged for septic system review. (M. Campbell, Rock/26, to Resources, Recreation and Development)

new title: relative to the New Hampshire Native Plant Protection Act and making an appropriation for the natural heritage inventory program.

2nd new title: relative to the New Hampshire Native Plant Protection Act.

58, ext 94, rem 302, SO 336, 360, ret 372, am & Approp 388-390, SO 558, am 584, psd 615, S conc 873, enr 893 (Chapter 250)

HB 598-FN, authorizing the medical examiner to release corneas in certain cases for use in corneal transplants. (Dunn, Merr/24, et al, to Health, Human Services and Elderly Affairs)

58, psd 170, 195, conc S am 503, enr 558 (Chapter 64)

HB 599-FN-L, allowing school districts to contract with selected secular schools for the education of the district's children, and granting school districts an option to implement an education voucher program. (Hunt, Ches/10, to Education)

58, Com 250, 976

HB 600-FN-L, relative to the filing requirements for candidates who seek nomination by nomination papers. (Hunt, Ches/10, to Constitutional and Statutory Revision)

new title: relative to candidates who seek nomination by nomination papers.

58, am 204, psd 271, S conc 705, enr 817 (Chapter 164)

HB 601-FN-A, exempting from the real estate transfer tax certain transfers between land trusts and housing cooperatives. (Soldati, Merr/21, to Ways and Means)

58, rem 414, SO 455, psd 465, 488, S conc 705, enr 803 (Chapter 139)

HB 602-FN, extending the length of time before a savings deposit may escheat to the state. (W. Riley, Ches/7, to Commerce, Small Business and Consumer Affairs)

new title: relative to claiming assets which have escheated to the state.

58, ext 89, am 203-204, psd 271, nonconc S am, conf 820, 874, rep adop 907, enr 914 (Chapter 310)

HB 603-FN-L, relative to energy efficiency in state facilities. (A. Merrill, Straf/8, et al, to Executive Departments and Administration)

58, psd 255-256, 272, conc S am 531, enr 665, appointments 971 (Chapter 74)

HB 604-FN, requiring that all fees set by statute be reviewed by the legislature on a 6-year basis to insure that such fees reflect only the direct and indirect costs of a program funded or function provided. (Teschner, Graf/5, et al, to Legislative Administration)

59, K 270

HB 605-FN-A-L, establishing a community bridge aid improvement program funded by revenues from road tolls. (Allard, Carr/2, et al, to Public Works)

new title: changing the percentage of a municipality's share for local bridge improvement.

59, ext 134, SO 336, 360, am 364, psd 410, conc S am 876, enr 909 (Chapter 284)

HB 606-FN, establishing a managed care program for all employers who are in the workers' compensation assigned risk pool. (R. Hawkins, Belk/3, to Labor, Industrial and Rehabilitative Services)

new title: authorizing employers subject to the workers' compensation law to establish managed care programs.

59, am 268-269, psd 272, nonconc S am, conf 870, 882, rep adop 907, enr 914, appointments 972 (Chapter 311)

HB 607-FN, relative to the plea-by-mail program. (Bartlett, Belk/6, et al, to Transportation)

59, ext 94, rem 302, SO 336, 360, ret & rem 372, am & Approp 407-409, am 532-533, psd 559, S conc 705, enr 803 (Chapter 140)

HB 608-FN-L, relative to a private property protection act. (Daniels, Hills/13, et al, to Executive Departments and Administration)

59, com changed 88, rem 301, SO 336, 360, ret 372, K 381-382

HB 609, designating segments of the Ashuelot River for the rivers management program. (Burnham, Ches/8, et al, to Resources, Recreation and Development)

59, psd 154, 195, S conc 490, enr 504 (Chapter 47)

HB 610-FN, requiring the development of plans and procedures for the coordination of marine patrol law enforcement activities on New Hampshire tidal waters and requiring the marine patrol to use the Coast Guard equipment standards on New Hampshire tidal waters exclusively. (Syracusa, Rock/33, et al, to Transportation)

59, SO 336, 360, Com 372, 976

HB 611, establishing a maximum speed limit on New Hampshire tidal waters. (Syracusa, Rock/33, et al, to Transportation)

59, K 230

HB 612-FN-L, relative to changes in the maximum weekly benefit amount for unemployment compensation. (Turner, Belk/7, et al, to Labor, Industrial and Rehabilitative Services)

59, am 443, psd 455, S conc 873, enr 889 (Chapter 201)

- HB 613-FN**, changing how earned income is calculated for people who receive aid to the permanently and totally disabled. (Nardi, Hills/39, et al, to Health, Human Services and Elderly Affairs)
new title: requiring the director of the division of human services to adopt rules changing how earned income is calculated for people who receive aid to the permanently and totally disabled to be consistent with federal law.
59, ext 134, rem 301, SO 336, 360, ret & rem 372, am & Approp 406, rules suspended 560, psd (RC) 635-637, 661, S conc 839, S recon & nonconc 872
- HB 614-FN**, changing the definition of disability for the purpose of receiving public assistance. (Nardi, Hills/39, et al, to Health, Human Services and Elderly Affairs)
59, ext 134, rem 301, SO 336, 360, ret & rem 372, am & Approp 406-407, rules suspended 560, am 637, psd 661, S con 839, S recon & nonconc 872
- HB 615-FN-L**, recodifying the municipal budget law. (Trelfa, Graf/2, et al, to Municipal and County Government)
59, SO 270, am 276-277, psd 293, conc S am 870, enr am 911, enr 915 (Chapter 332)
- HB 616-FN-A-L**, providing for property tax relief and making an appropriation therefor. (Kurk, Hills/5, et al, to Ways and Means)
59, am & Approp 495-496, SO 558, Com 584-585, 976
- HB 617**, to prohibit state agencies from charging fees for the inspection of health and safety equipment until after the equipment is actually inspected. (Braiterman, Merr/3, et al, to Executive Departments and Administration)
59, K 145
- HB 618-FN-L**, limiting the amount a town or city may receive from sale of property taken in default of redemption. (Perry, Ches/11, to Municipal and County Government)
59, SO 270, Com 277, 976
- HB 619**, upgrading a segment of New Hampshire Route 127 and making an appropriation therefor. (Whittemore, Merr/13, to Public Works)
59, K 153
- HB 620**, extending unemployment benefits to domestic workers. (Weeks, Merr/24, et al, to Labor, Industrial and Rehabilitative Services)
new title: relative to unemployment benefits for domestic workers.
59, am 415, psd 455, S conc 564, enr 665 (Chapter 87)
- HB 621-FN-A**, relative to the threshold for filing under the business profits tax. (D. Sytek, Rock 26, et al, to Ways and Means)
59, psd 85, 86, S conc 873, enr 889 (Chapter 202)
- HB 622-FN**, relative to solid waste management districts. (A. Merrill, Straf/8, et al, to Environment and Agriculture)
59, ext 91, rem 301, SO 336, 360, ret 372, Com 378, 976
- HB 623**, establishing a permanent committee to supervise and coordinate the various aspects of the corrections system. (Braiterman, Merr/3, et al, to Corrections and Criminal Justice)
60, K 207
- HB 624-FN**, creating a unit within the department of environmental services to certify certain scientists. (Boucher, Rock/29, et al, to Executive Departments and Administration)
60, ext 92, SO 336, rcmt 360, am 509-516, psd 529, S Com 805, 978
- HB 625-FN-A**, relative to the sale of fireworks and levying a tax thereon. (Hutchinson, Rock/29, to Public Protection and Veterans Affairs)
60, rem 302, SO 336, 360, ret & rem 372, LT 407, Com 500, 976
- HB 626-FN-A-L**, permitting casino gambling in New Hampshire. (Hutchinson, Rock/29, et al, to Regulated Revenues)
60, K 223
- HB 627-FN**, authorizing the department of fish and game to accept the Spencer Pond dam in the town of Canterbury. (Schanda, Rock/19, to Resources, Recreation and Development)
60, K 229
- HB 628-FN**, requiring the department of safety to keep drivers' records confidential except for certain reasons. (Kurk, Hills/5, et al, to Transportation)
60, ext 94, SO 336, 360 Com 372, 976
- HB 629-FN-L**, changing the interest rate on delinquent property taxes and subsequent taxes. (Hanselman, Hills/21, et al, to Municipal and County Government)
60, rem 199, SO 270, K (RC) 287-290
- HB 630-FN**, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers. (Reidy, Hills/46, et al, to Commerce, Small Business and Consumer Affairs)
60, ext 89, rem 300, SO 336, 360, ret 372, am & Approp 375-376, SO 558, Com 587, 976

- HB 666-FN-L**, increasing fees charged by sheriffs and deputy sheriffs. (Shaw, Merr/12, to Judiciary)
61, rem 199, SO 270, K 286-287
- HB 667-FN**, relative to relocating certain state offices on the Laconia developmental services site and relocating the lakes region correctional facility. (N. Young, Belk/7, et al, to Public Works)
61, SO 270, K 278
- HB 668-FN**, changing the laws relative to nonemergency involuntary admissions. (Allen, Hills/1, to Judiciary)
61, K 212
- HB 669-FN**, transferring the right to appeal in certain cases from a decision of the labor commissioner on workers' compensation from the superior court to the compensation appeals board. (Pfaff, Merr/11, et al, to Labor, Industrial and Rehabilitative Services)
61, am 213-214, psd 271, S conc 666, enr 761 (Chapter 142)
- HB 670-FN**, repealing the authority of the fish and game department to regulate the taking and sale of clams, clam worms, and oysters and granting municipalities such authority. (Felch, Rock/21, to Wildlife and Marine Resources)
62, Com 232, 976
- HB 671-FN**, increasing the term of a resident's license to carry loaded pistols and revolvers. (D. Welch, Rock/18, to Public Protection and Veterans Affairs)
62, psd 222, 272, conc S am 763, enr am 868, enr 889 (Chapter 203)
- HB 672-FN-A-L**, establishing a healthy kids corporation and making an appropriation therefor and continually appropriating a special fund. (D. Hall, Merr/10, et al, to Commerce, Small Business and Consumer Affairs)
62, ext 89, SO 336, am & Approp 341-342, SO 558, psd (RC) 587-590, 615, nonconc S am, conf 869, 882, rep adop 908, enr 914, appointments 971 (Chapter 312)
- HB 673-FN**, relative to accounting requirements for moneys received by the state treasurer. (B. Packard, Hills/19, et al, to Executive Departments and Administration)
62, ext 134, rem 301, SO 336, 360, ret 372, psd 380-381, 410, nonconc S am 869
- HB 674-FN**, establishing an enhanced emissions inspection and maintenance program and establishing a study committee. (B. McCann, Hills/33, et al, to Environment and Agriculture)
new title: establishing an enhanced emissions inspection and maintenance program and requiring a diesel emissions study.
62, ext 91, am, Ways and Means & Rules suspended (3 RCs) 465-483, rules suspended 497, am & Approp 499-500, am (RC) 604-609, psd 615, conc S am 875, enr am 913, enr 916, appointments 972 (Chapter 353)
- HB 675-FN**, repealing the position of the commissioner of the department of cultural affairs and transferring all duties within the department to the state librarian. (Warburton, Rock/12, to Executive Departments and Administration)
62, K 169
- HB 676-FN-L**, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services. (D. Young, Ches/2, et al, to Environment and Agriculture)
62, ext 91, rcmt 432, Com 638, 976
- HB 677**, relative to the term of office for commissioners of state departments. (F. Torr, Straf/12, to Executive Departments and Administration)
62, Com 256, 976
- HB 678-FN**, relative to unfunded state mandates and exempting political subdivisions from certain administrative fines. (D. Young, Ches/2, et al, to Environment and Agriculture)
62, com changed 64, Com 229, 976
- HB 679-FN-L**, relative to unfunded mandates, limiting the catastrophic aid liability of school districts, and requiring notice and public hearing of state education plans. (D. Young, Ches/2, et al, to Education)
62, rem 301, SO 336, 360, ret 372, Com 377, 976
- HB 680-FN-L**, relative to unfunded mandates and removing the requirement that a town give notice to certain landowners prior to the discontinuance of certain highways. (D. Young, Ches/2, et al, to Municipal and County Government)
62, rem 301, SO 336, 360, ret 372, Com 382, 976
- HB 681-A**, making an appropriation for certain ski operations. (Behrens, Sull/2, to Public Works)
62, rem 302, SO 336, 360, ret 372, K 382-383
- HB 682**, reducing the number of peremptory challenges to jurors available to both prosecutors and defense in a trial for murder in the first degree. (Pfaff, Merr/11, et al, to Judiciary)
62, com changed 88, rem 300, SO 336, 360, ret 372, am 376, psd 410, S conc 705, enr 803 (Chapter 143)

- HB 683-FN-L**, relative to unfunded mandates and removing certain duties of local officials regarding the checklist and voter registration (D. Young, Ches/2, et al, to Constitutional and Statutory Revision)
62, SO 336, Com 347-348, 976, recon rej 485
- HB 684-A-L**, relative to the Wolfeboro airport and making an appropriation therefor. (J. Bradley, Carr/8, et al, to Public Works)
62, SO 270, Approp 278, K 506
- HB 685-FN-A**, relative to a liquor store in Center Harbor and making an appropriation therefor. (Lawton, Belk/1, to Regulated Revenues)
77, rem 302, SO 336, 360, ret 372, K 383
- HB 686**, relative to legislative review of proposed administrative rules. (Mercer, Hills/27, et al, to Legislative Administration)
87, Com 446, 976
- HB 687-FN**, requiring the installation and use of toll gate barriers at automatic toll collection booths. (Trombly, Merr/4, et al, to Public Works)
133, SO, 336, 360, 365, K (RC) 424-426
- HB 688**, relative to the felonious use of crossbows. (D. Welch, Rock/18, to Public Protection and Veterans Affairs)
197, Com 506, 976
- HB 689-FN-L**, relative to funds for students residing in unorganized places. (Horton, Coos/3, et al, to Municipal and County Government)
new title: relative to funds for students residing in organized towns and unorganized places.
197, rem 301, SO 336, 360, ret 372, psd 382, 410, conc S am 820, enr 879 (Chapter 204)
- HB 690-FN**, allowing and regulating limited liability companies and professional limited liability companies. (Mercer, Hills/27, et al, to Judiciary)
294, rules suspended & am 610-614, psd 615, conc S am 876, enr 914 (Chapter 313)
- HB 691-FN-A**, relative to gaming revenues and establishing a committee to study the marketing of state lotteries and attitudes concerning the expansion and regulation of gambling in the state and making an appropriation therefor. (Behrens, Sull/2, et al, to Regulated Revenues)
294, SO 558, Com 594, 976
- HB 692**, transferring rulemaking authority from the current use board to the chairman of the current use board. (Scanlan, Graf/11, to Environment and Agriculture)
new title: transferring rule making authority from the current use board to the chairman of the current use board, who will implement the recommendations of the board.
411, am 534, psd 559, S conc 805, enr 879 (Chapter 205)
- HB 693**, legalizing the actions of the Kingston town meeting. (D. Welch, Rock/18, et al, to Municipal and County Government)
488, psd 536, 559, S conc 705, enr 803 (Chapter 144)
- HB 694**, regulating noise from motor vehicle racetracks. (Coes, Rock/19, to Environment and Agriculture)
488, Com changed 489, K 598

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HOUSE JOINT RESOLUTIONS

- HJR 1**, supporting the improvement of primary health care delivery. (Amidon, Hills/9, et al, to Health, Human Services and Elderly Affairs)
47, psd 79, 86, S conc 362, enr 456 (Chapter 20)
- HJR 2**, expressing the opposition of the general court to federal mandate legislation and asserting its right to determine and impose appropriate sanctions upon driving privileges of offenders within its own state boundaries. (C. William Johnson, Merr/7)
intro and psd 274, 293, S conc 564, enr 665 (Chapter 75)
- HJR 3**, requiring the department of health and human services to clarify the rules for the use of medicaid disproportionate share payments. (Soldati, Merr/21, et al, to Ways and Means)
529, K (RC) 658-661
- HJR 4**, stating that it is the intent of the general court that the division of public health services and the fish and game department protect the water quality of shellfish producing waters and restore shellfish resources to the public as soon as possible. (Drake, Rock/24, et al, to Wildlife and Marine Resources)
529, psd 661, conc S am 877, enr 893 (Chapter 251)

1993 SESSION

HOUSE CONCURRENT RESOLUTIONS

- HCR 1**, relative to a universal health care program in New Hampshire. (K. Wheeler, Straf/8, et al, to Health, Human Services and Elderly Affairs)
46, adop 116, 132, S conc 362
- HCR 2**, calling for a federal constitutional convention to propose an amendment to the United States Constitution to abolish the electoral college. (Salatiello, Belk/2, to State-Federal Relations)
46, K 186

- HCR 3**, encouraging the integration of United States military history into the school curriculum and directing that November 1993 be designated as "Armed Forces History Month." (Fenton, Hills/24, et al, to Education)
new title: encouraging the emphasis of United States military history into the school curriculum and directing that November 1993 be designated as "Armed Forces History Month."
 47, am 113-114, adop 132, S conc 503
- HCR 4**, urging Congress to enact legislation that allows citizens of the United States of America to designate a portion of their federal income taxes to be used solely for federal debt reduction. (Daniels, Hills/13, et al, to State-Federal Relations)
 47, rem 135, rcmt 193, SO 336, 360, K (RC) 368-371
- HCR 5**, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears. (Hutchinson, Rock/29, to State-Federal Relations)
 47, rem 135, rcmt 193, rem 302, SO 336, 360, ret 372, Com 393, 976
- HCR 6**, relative to an abortion policy. (Hemon, Straf/11, to Judiciary)
 47, K 147
- HCR 7**, calling for a federal constitutional convention to propose an amendment to the United States Constitution prohibiting unfunded federal mandates. (D. Young, Ches/2, to State-Federal Relations)
 47, K (RC) 186-189
- HCR 8**, encouraging Congress to increase the reimbursement rate to municipalities for government-owned land which could be in current use if privately owned. (Scanlan, Graf/11, et al, to Environment and Agriculture)
new title: encouraging Congress to increase the reimbursement rate to municipalities for government-owned land.
 47, ext 91, am 208-209, adop 271, S conc 490
- HCR 9**, relative to population policy and environmental preservation. (Gilmore, Straf/11, et al, to State-Federal Relations)
 47, adop 189, 196, (S IP)
- HCR 10**, encouraging Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to commercial banks and to repeal those laws and regulations. (B. Packard, Hills/19, et al, to Commerce, Small Business and Consumer Affairs)
new title: encouraging Congress to examine federal banking laws and regulations to determine which laws and regulations are overly restrictive and burdensome to banks and to repeal those laws and regulations.
 47, am , rules suspended & adop 159-160, S Conc 198
- HCR 11**, relative to the Portsmouth Naval Shipyard. (Woods, Rock/25, et al, to State-Federal Relations)
 47, rules suspended and am (RC) 68-72, adop 76, S conc 88
- HCR 12**, calling for the repeal of the Internal Revenue Service advisory opinion on mileage reimbursements for members of the general court. (M. Hill, Merr/16, et al, to State-Federal Relations)
 47, ext 94, rem 302, am 393, adop 411, S conc 666
- HCR 13**, urging the cities and towns of New Hampshire to adopt recycling programs. (Hilliard, Straf/14, et al, to Environment and Agriculture)
 62, ext 91, am 414, adop 455, S conc 666
- HCR 14**, urging members of Congress to oppose aspects of the proposed federal energy tax which discriminate against home heating oil consumers in the Northeast and Mid-Atlantic regions. (M. Hill, Merr/16, et al, to State-Federal Relations)
new title: urging members of Congress to oppose aspects of the proposed federal energy tax which discriminates against heating oil consumers in the Northeast and Mid-Atlantic regions.
 411, am (RC) 655-658, adop 661, S conc 839

1993 SESSION

HOUSE BILLS OF INTENT

- HBI 1**, relating to wiretapping and eavesdropping. (R. Campbell, Belk/4, to Judiciary)
 47, Com 80, 976
- HBI 2**, examining the practice of selling food and beverages to small grocery stores at the wholesale level. (Salatiello, Belk/2, to Commerce, Small Business and Consumer Affairs)
 47, K 137
- HBI 3**, volunteer firefighters and job protection. (Salatiello, Belk/2, to Labor, Industrial and Rehabilitative Services)
 47, K 106
- HBI 4**, gas pricing in different localities. (Salatiello, Belk/2, to Commerce, Small Business and Consumer Affairs)
 47, K 137

- HBI 5**, the reduction, elimination and substitution of toxic substances. (Loder, Straf/8, et al, to Environment and Agriculture)
47, ext 91, adop 208, 271
- HBI 6**, the financing of gubernatorial transitions. (Trombly, Merr/4, et al, to Appropriations)
273, SO 558, adop 585, 615

1993 SESSION**HOUSE RESOLUTIONS**

- HR 1**, to adopt the rules of the 1992 session as printed in the 1991 Black Book with amendments from the 1992 Session and that any House rule may be amended by Majority vote through the last Thursday of January. (Gross, Merr/18, et al)intro, am & adop 8, 10, am (RC) 21-25, am 64-65
- HR 2**, appointing a committee of three to assign seats to members. (M. Campbell, Rock/26, et al)
intro, adop and members appointed 8, 10
- HR 3**, appointing a committee of eleven members to select a suitable person to act as Chaplain during the 1993 session. (Kidder, Merr/2, et al)
intro, adop and members appointed 8, 10, selection 19
- HR 4**, relative to taping of all sessions of the House for use in confirming the permanent journal. (Leonard Smith, Hills/25, et al)
intro & adop 8, 10
- HR 5**, approving House clerk's staff as per RSA 17-E:5. (Dickinson, Carr/2, et al)
intro & adop 8, 10
- HR 6**, approving the House sergeant-at-arms staff as per RSA 17-E:5. (B. Gage, Rock/26, et al)
intro & adop 8-9, 10
- HR 7**, distribution of house journals, bills and joint resolutions. (Flanagan, Rock/13, et al)
intro & adop 9, 10
- HR 8**, cancellation of session due to inclement weather. (Horton, Coos/3, et al)
intro & adop 9, 10
- HR 9**, regarding legislative salary and mileage payments. (R. Johnson, Rock/1, et al)
intro & adop 9, 10
- HR 10**, calling for a special run-off election for representative to the general court between Thomas J. Kirby and Richard G. Hagan. (Gross, Merr/18, et al)
intro & adop 9-10
- HR 11**, encouraging an expenditure by the house of representatives to allow the house to participate in a current use survey conducted by the university of New Hampshire. (Scanlan, Graf/11, et al, to Environment and Agriculture)
intro 47, adop 82, 86
- HR 12**, affirming revenue estimates for fiscal year 1993. (Cowenhoven, Hills/14, to Ways and Means)
intro 62, am & LT (RC) 72-75, am & LT 889-891, am & LT 931-933, K 951
- HR 13**, urging the Federal Communications Commission to enact regulations to preclude cable television companies from charging for more than one cable connection per residence. (Rodeschin, Sull/4, et al, to Science, Technology and Energy)
new title: urging the Federal Communications Commission to enact regulations to preclude cable television operators from charging for more than one cable connection per residence.
intro 62, rules suspended & am 83-84, adop 86
- HR 14**, amending House rules 101 through 115.
intro & adop 131-132
- HR 15**, honoring State Representative Caroline L. Gross of Concord for receiving the NH Bar Association 1993 President's Award for Distinguished Service to the Public.
intro & adop 135
- HR 16**, memorializing former State Representative Nelson E. Barker of Stratham.
intro & adop 196
- HR 17**, memorializing State Representative Roger B. Larochelle of Manchester.
intro & adop 198-199
- HR 18**, requesting an opinion of the justices concerning the constitutionality of an amendment to HB 257-FN. (J. Chandler, Merr/1, to Public Works)intro & Com 364, 977
- HR 19**, not introduced
- HR 20**, requesting an opinion of the justices concerning the constitutionality of HB 570-FN-L. (Scanlan of Graf/11, to Environment and Agriculture)
intro & adop 355, 361, S Ct opin printed 917-921

- HR 21**, on the observance of St. Patrick's Day. (Milligan, Hills/18, et al)
intro & adop 412
- HR 22**, relative to the U.S. FIRST Competition. (Franks, Hills/26, et al, to Economic Development)
664, adop 880, 881
- HR 23**, saluting Representative Bonnie Lou McCann for her service in the New Hampshire House of Representatives.
intro & adop 802
- HR 24**, urging continuing sanctions against the governments of lands which constitute what was the Federal Republic of Yugoslavia prior to January 1, 1991. (Foss, Coos/1, et al, to State-Federal Relations)
819, adop 891
- HR 25**, urging congress to support the 1986 Land and Resource Management Plan for the White Mountain National Forest. (Peyron, Sull/4, et al, to Economic Development)
867, am 928-929, adop 933
- HR 26**, amending House Rules as prescribed by House Resolution No. 1 Rule 34 (c). (Burns, Coos/5, to Rules)
intro and adop 930-931, 933
- HR 27**, honoring the Office of Legislative Services on its thirtieth anniversary.
intro and adop 938-939, 951
- HR 28**, memorializing Representative Maggie B. Terninko of Nottingham.
intro and adop 952-953

1993 SESSION SENATE BILLS

- SB 2-FN**, redesignating a portion of New Hampshire Route 51 as New Hampshire Route 101. (Public Works)
662, am 763-764, psd 802, S nonconc, conf 878, rep adop 894, enr 914 (Chapter 314)
- SB 4**, relative to a capital appropriation for state house repairs. (Public Works)
662, rules suspended 801, am 822, psd 836, S nonconc 874
- SB 5**, repealing article 6 of the uniform commercial code on bulk sales and making conforming amendments. (Commerce, Small Business & Consumer Affairs)
296, ext 561, 664, psd 739, 760, enr 803 (Chapter 154)
- SB 6**, permitting the bank commissioner to regulate municipal development authorities and organizations and not-for-profit development organizations which become small business lenders through certain federal and state loan programs. (Commerce, Small Business & Consumer Affairs)
new title: permitting the bank commissioner to examine and report on certain non-bank lenders.
296, ext 561, am 710, psd 736, S nonconc, conf 870, rep adop 894, enr 914 (Chapter 315)
- SB 7**, changing the bonding requirement for mortgage brokers. (Commerce, Small Business & Consumer Affairs)
296, am 667-668, psd 701, S nonconc, conf 870, rep adop 895, enr 914 (Chapter 316)
- SB 9**, adopting the uniform commercial code Article 2A on leases and conforming amendments to Articles 1 and 9. (Commerce, Small Business & Consumer Affairs) 296, ext 561, 664, psd 822, 836, enr am 913, enr 916 (Chapter 345)
- SB 10**, revising articles 3 and 4 of the uniform commercial code and adopting article 4A of the uniform commercial code. (Commerce, Small Business & Consumer Affairs)
296, ext 561, 664, am 831-832, psd 836, S conc 873, enr am 913, enr 916 (Chapter 346)
- SB 11**, allowing 15-year-old persons to bus tables in dining rooms. (Regulated Revenues)
296, am 598-599, psd 615, S conc 666, enr 665 (Chapter 88)
- SB 12**, creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages, and adding a new fee for certain wine and liquor vendors. (Regulated Revenues)
new title: creating a new category of liquor license to allow a warehouse to receive, warehouse and ship liquor, wine or beverages or any combination of liquor, wine and beverages; adding a new fee for certain wine and liquor vendors; and relative to contracts by liquor and wine representatives and sanctions by the liquor commission against competitors.
296, SO 614, am & Ways and Means 618-619, psd 755, 760, S conc 873, enr am 888, enr 909 (Chapter 285)
- SB 13**, extending the reporting date of the committee studying the effects of substance abuse on health care and economic costs to the state. (Legislative Administration)
296, psd 597, 615, enr 665 (Chapter 89)
- SB 14**, relative to package deals sponsored by liquor licensees. (Regulated Revenues)
296, am 536, psd 559, S conc 666, enr 665 (Chapter 90)

- SB 17-FN-A**, establishing a committee to study methods of preventing and resolving disputes relative to educationally disabled students. (Education)
296, am 672, psd 701, S conc 805, enr 909, appointments 966-967 (Chapter 286)
- SB 18**, increasing the amount of damage required to necessitate reporting a boating accident. (Transportation)
296, psd 536-537, 559, enr 665 (Chapter 76)
- SB 20**, relative to representation of business organizations in small claims court. (Judiciary)
296, psd 535, 559, enr 665 (Chapter 77)
- SB 22**, relative to foreclosure notification waiver. (Commerce, Small Business & Consumer Affairs)
296, ext 561, am 710-711, psd 736, S conc 839, enr 869 (Chapter 206)
- SB 25**, relative to charitable gifts of life insurance. (Commerce, Small Business & Consumer Affairs)
296, am 668, psd 701, S conc 873, enr 889 (Chapter 207)
- SB 26**, relative to contracts between public adjusters and insureds. (Commerce, Small Business & Consumer Affairs)
new title: relative to contracts between public adjusters and insureds and relative to continuing education for adjusters.
296, ext 561, am 711, psd 736, S nonconc, conf 871, rep adop 895, enr 915 (Chapter 317)
- SB 27**, establishing a committee to study the apportionment of county taxes. (Municipal & County Government)
296, Com 536, 977
- SB 31**, repealing sections referring to the loyalty oath requirement which was repealed last year. (Education)
296, ext 562, psd 672, 701, enr 761 (Chapter 145)
- SB 32**, relative to certified pharmacy technicians.
S com 978
- SB 33**, relative to licensing of certified public accountants.
S com 978
- SB 34-FN-L**, including traumatic brain injury and autism in the definition of "educationally disabled child." (Education)
296, psd 678, 702, enr 706 (Chapter 108)
- SB 35-FN-A**, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services and making an appropriation therefor. (Health, Human Services & Elderly Affairs)
new title: relative to organ transplants.
662, Approp 732, am 764-765, psd 802, S conc 839, enr 893 (Chapter 252)
- SB 37**, adding and redefining terms relative to the New Hampshire pharmacy board. (Health, Human Services and Elderly Affairs)
296, psd 534, 559, enr 665 (Chapter 78)
- SB 38**, protecting against unauthorized access to teacher certification records. (Judiciary)
296, psd 535, 559, enr 665 (Chapter 79)
- SB 39**, making a technical correction in the enhanced 911 system law and specifying a 4-year term for the executive director of the bureau of emergency communications. (Executive Departments & Administration)
296, ext 562, am 792, psd 803, S conc 839, enr 879 (Chapter 231)
- SB 41**, permitting selectmen to accept dedicated streets which have been approved by the planning board. (Municipal & County Government)
297, psd 536, 559, enr 665 (Chapter 80)
- SB 42**, revising the committee studying a statewide trauma care system and extending the completion date for the committee's work. (Health, Human Services & Elderly Affairs)
new title: revising the committee studying a statewide trauma care system and extending the completion date for the committee's work and adding a member to the emergency medical services coordinating board.
297, rem 531, SO 558, rcmt 595, am 713-714, psd 736, S conc 839, enr 889, appointments 967 (Chapter 208)
- SB 43**, relative to the state board of auctioneers. (Commerce, Small Business & Consumer Affairs)
297, Com changed 489, ext 704, Com 822, 977
- SB 44**, adding to the membership of the emergency shelter commission. (Health, Human Services & Elderly Affairs)
new title: adding to the membership of the emergency shelter commission and the Christa McAuliffe planetarium commission.
297, am 534-535, psd 559, S conc 666, enr 761, appointments 971 (Chapter 146)

- SB 46**, relative to involuntary transfer or discharge of patients in health care facilities. (Health, Human Services & Elderly Affairs)
297, psd 535, 559, enr 665 (Chapter 81)
- SB 47**, relative to prosecuting petitions under the uniform reciprocal enforcement of support act. (Children, Youth & Juvenile Justice)
297, ext 561, K 707
- SB 48**, relative to the children's trust fund. (Children, Youth & Juvenile Justice)
297, ext 561, psd 707, 736, enr am 762, enr 817, appointments 971 (Chapter 165)
- SB 49**, establishing a committee to study the feasibility of establishing a commercial shellfish and oyster aquaculture program. (Wildlife & Marine Resources)
297, am 678, psd 702, S conc 805, enr 879, appointments 967 (Chapter 209)
- SB 50**, extending the report date and adding additional members to the law enforcement and prosecutor task force. (Corrections & Criminal Justice)
297, ext 562, am 669-670, psd 701, S conc 805, enr 836, appointments 968 (Chapter 166)
- SB 51**, relative to the authority of land surveyors to enter upon land. (Judiciary)
297, SO 558, K 597
- SB 52**, relative to workers' compensation liability insurance and return of insurance premiums. (Labor, Industrial & Rehabilitative Services)
297, ext 563, 665, psd 841, 865, enr 889 (Chapter 210)
- SB 53**, relative to third party administrators. (Commerce, Small Business & Consumer Affairs)
412, am 668, psd 701, S conc 873, enr 893 (Chapter 253)
- SB 55**, relative to accident and health insurance and health maintenance organizations. (Commerce, Small Business & Consumer Affairs)
413, rem 595, SO 614, psd 623, 624, enr am 762, enr 817 (Chapter 167)
- SB 56**, relative to coverage for intra-family or inter-spousal claims under liability insurance policies. (Commerce, Small Business & Consumer Affairs)
297, psd 595, 615, enr 665 (Chapter 91)
- SB 57**, relative to accreditation under the insurance laws. (Commerce, Small Business & Consumer Affairs)
297, am 668-669, psd 701, S conc 873, enr 893 (Chapter 254)
- SB 58**, allowing multiple employers to consolidate employment and wage information for purposes of unemployment compensation contributions.
S com 978
- SB 59**, relative to the privacy act. (Judiciary)
297, SO 614, Com 617, 977
- SB 60**, relative to solicitation of prostitutes. (Corrections & Criminal Justice)
297, ext 562, am 670, psd 701, S conc 805, enr 836 (Chapter 168)
- SB 61**, relative to substitution of alternate jurors after final submission of a case to the jury. (Judiciary)
703, psd 832, 836, enr 893 (Chapter 255)
- SB 62**, establishing a committee to study child support issues. (Children, Youth & Juvenile Justice)
413, am 667, psd 701, S conc 805, enr am 879, enr 893, appointments 968 (Chapter 256)
- SB 63**, relative to impoundment of motor vehicles in which an act of prostitution has occurred.
S com 978
- SB 64**, extending the reporting date of the committee to study head injury cases. (Legislative Administration)
297, psd 597, 615, enr 665 (Chapter 92)
- SB 65**, requiring health care providers to disclose an ownership interest in any entity to which they refer patients. (Commerce, Small Business & Consumer Affairs)
297, ext 561, am 715-716, psd 737, S nonconc, conf 871, rep adop 895-896, enr am 913, enr 915 (Chapter 334)
- SB 67**, relative to wage assignment for child support. (Children, Youth & Juvenile Justice)
297, ext 561, am 707-709, psd 736, S conc 839, enr 909 (Chapter 287)
- SB 68**, establishing a challenge grant to restore and preserve the Nansen ski jump facility. (Public Works)
662, Com 749, 977
- SB 69-FN**, relative to pricing and use of promotion funds by the liquor commission. (Regulated Revenues)
530, K 741
- SB 70**, requiring that dogs and cats placed by shelters and pounds be spayed or neutered. (Wildlife & Marine Resources)
413, K 715
- SB 72**, relative to central business service districts. (Municipal & County Government)
new title: relative to central business service districts and relative to the definition of "municipality."
297, am 676, psd 701, S conc 805, enr 836 (Chapter 169)
- SB 73-FN-A**, making an appropriation to promote international tourism (Resources, Recreation & Development)
662, Approp 752, rules suspended 801, rem 840, psd 865, 866, enr 869 (Chapter 211)

- SB 74**, changing the name of Civil Rights Day to Martin Luther King, Jr. Civil Rights Day. (Executive Departments & Administration)
297, ext 562, K (RC) 729-732
- SB 75**, allowing a property tax exemption for solar-powered electricity. (Municipal & County Government)
297, SO 558, psd 594, 615, enr 665 (Chapter 93)
- SB 76**, establishing the right of a New Hampshire manufacturer to be indemnified by the purchaser or lessee of a New Hampshire product for injury or damage caused by such product. (Commerce, Small Business & Consumer Affairs)
297, ext 562, am 716-717, psd 737, S conc 873, enr 893 (Chapter 257)
- SB 77**, relative to resellers of telecommunication services. (Science, Technology & Energy)
413, K (RC) 732-735
- SB 78**, requiring that student records of transferring students be provided upon request. (Education)
297, ext 562, psd 727, 737, enr 803 (Chapter 147)
- SB 79**, also known as the "Kimberly Goss Act", limiting persons arrested for a violent offense while on parole or probation for a similar offense from receiving bail. (Corrections & Criminal Justice)
413, am 719-720, psd 737, S conc 839, enr am 888, enr 893 (Chapter 258)
- SB 80**, restricting the use of motorized craft on Goose Pond in Keene and Turee Pond in Bow. (Transportation)
297, psd 600, 615, enr 665 (Chapter 94)
- SB 81**, creating a task force to coordinate resources addressing sexual assault and sexual harassment at post-secondary institutions. (Education)
297, psd 678, 702, enr 761, appointments 968-969 (Chapter 148)
- SB 82**, returning certain state-owned land to the town of Belmont. (Public Works)
297, K 598
- SB 83**, authorizing municipalities to adopt a property tax exemption for the totally and permanently disabled. (Municipal & County Government)
297, SO 614, am 617-618, psd 624, S conc 873, enr 889 (Chapter 212)
- SB 84**, relative to the disposition of land use fees by municipalities. (Municipal & County Government)
297, K 536
- SB 85**, relative to the composition of the wetlands board. (Resources, Recreation & Development)
297, SO 614, am 619-620, psd 624, S nonconc 838
- SB 87**, relative to capital investment, venture capital, capital access and the business finance authority and capital formation; and relative to ambulatory care clinics. (Economic Development)
new title: relative to capital access and the business finance authority and capital formation; and relative to ambulatory care clinics.
662, rules suspended 702, am 769-774, psd 802, S nonconc, conf 871, 872, rep adop 896-897, enr am 913, enr 916 (Chapter 335)
- SB 90**, relative to child support enforcement and child support payments.
S com 978
- SB 92**, to rename the school for lifelong learning of the university system of New Hampshire, the college for lifelong learning of the university system of New Hampshire. (Education)
297, ext 562, psd 672-673, 701, enr 706 (Chapter 109)
- SB 93-FN-A**, relative to the National Science Foundation's statewide systemic initiatives program and making an appropriation therefor. (Education)
662, Approp 727, psd 765, 802, enr 866 (Chapter 232)
- SB 94**, relative to workforce development, making an appropriation to the department of postsecondary technical education to support a pilot satellite program in Haverhill to promote north country economic development, establishing a customized training program for economic growth and making an appropriation therefor, and creating a government council on economic transition. (Economic Development)
new title: relative to workforce development, making an appropriation to support a pilot satellite program in Haverhill, establishing a job training program, and relative to a site for the Technology Research Park at the Pease International Tradeport.
2nd new title: relative to workforce development, making an appropriation to support a pilot satellite program in Haverhill, establishing a job training program, and making an appropriation therefor, and establishing a study committee to assess the impact of reduced military production on the state's economy.
662, rules suspended 702, 736, am & Approp 774-777, rules suspended 802, am 842, psd 865, S nonconc, conf 878, rep adop 897-898, enr am 913, enr 916, appointments 969 (Chapter 351)
- SB 95**, revising, conditioning, or repealing the rulemaking authority of the state board of education. (Education)

- new title:** defining the authority of the state board of education and the department of education.
298, ext 562, am (RC) 742-747, psd 760, S nonconc, conf 871, rep adop 898, enr am 913, enr 916, (S sustained veto).
- SB 96**, making the State Credit Union Act conform with the Federal Credit Union Act. (Commerce, Small Business & Consumer Affairs)
298, ext 562, am 711-712, S conc 839, enr 889 (Chapter 213)
- SB 97**, establishing a committee to study parking at Hampton beach state park. (Public Works)
298, K 598
- SB 98**, relative to fees charged for processing and approval of residential mortgage loan applications. (Commerce, Small Business & Consumer Affairs)
413, am 595-596, psd 615, S conc 666, enr 706 (Chapter 110)
- SB 99**, relative to private charitable trust funds.
S com 978
- SB 100**, protecting animal facilities and organizations or projects involving animals. (Environment & Agriculture)
298, ext 562, am 680-681, psd 702, S conc 805, enr 836 (Chapter 170)
- SB 102**, establishing a committee to conduct a comprehensive study of alternative transportation fuels, alternative fuel vehicles and their impact on the state and to study certain incentives and propose a state policy regarding the use of alternative transportation fuel vehicles. (Science, Technology & Energy)298, ext 563, am 697-698, psd 702, S conc 839, enr 869, appointments 969 (Chapter 214)
- SB 103**, relative to the construction of exit 10 on the Spaulding turnpike. (Public Works)
662, am 740, psd 760, S conc 839, enr 893 (Chapter 259)
- SB 105**, relative to the rulemaking authority of commissioners of state departments. (Executive Departments & Administration)298, ext 562, psd 713, 736, enr 817 (S sustained veto)
- SB 106**, relative to a northeast interstate dairy compact. (Environment & Agriculture)
298, ext 562, am 681-690, psd 702, S conc 805, enr am 913, enr 916 (Chapter 336)
- SB 107**, excluding services performed by real estate appraisers from the definition of "employment" for purposes of the unemployment compensation law. (Labor, Industrial & Rehabilitative Services)298, ext 562, am 740, psd 760, S conc 873, enr 893 (Chapter 260)
- SB 108**, relative to uninsured and underinsured motorist coverage. (Commerce, Small Business & Industrial Affairs)
298, K 596
- SB 109**, relative to automobile liability insurance and tort liability for certain motor vehicle operations. (Commerce, Small Business & Industrial Affairs)
new title: codifying the "fireman's rule."
298, Com changed 502, am 864, psd 866, S conc 873, enr 893 (Chapter 261)
- SB 111**, relative to penalties for issuing bad checks and authorizing a pilot bad check restitution program. (Corrections & Criminal Justice)
new title: relative to penalties for issuing bad checks.
298, ext 562, am 720, psd 737, S conc 839, enr 869 (Chapter 215)
- SB 112**, prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim, (Judiciary)
new title: prohibiting a defendant in a sexual assault case from bringing certain civil actions against the victim and permitting victim impact statements prior to any plea bargain agreement.
892, am 929-930, psd 933, S conc 948, enr am & enr 950 (Chapter 356)
- SB 114**, relative to minors' settlements. (Judiciary)
298, psd 535, 559, enr 665 (Chapter 82)
- SB 116**, relative to reporting of treatment or assistance given to victims of domestic abuse and requiring physicians and hospitals to use domestic violence protocol as adopted by the department of justice. (Judiciary)
413, am 535-536, psd 559, S conc 666, enr 665 (Chapter 95)
- SB 117**, relative to the appointment of and payment of fees to guardians ad litem. (Judiciary)
298, ext 563, rem 667, am 698-700, psd 702, S conc 805, enr am 819, enr 889 (Chapter 216)
- SB 121**, nullifying the law which amends RSA 457:29 relative to marriage license fees effective July 1, 1994, and raising the fee for marriage licenses. (Ways & Means)
298, psd 698, 702, enr 761 (Chapter 149)
- SB 122**, entitling Persian Gulf War veterans to the standard \$50 veterans' tax credit. (Municipal & County Government)
new title: entitling certain veterans to the standard \$50 veterans' tax credit.
298, am 597-598, psd 615, S conc 873, enr 893 (Chapter 262)

- SB 123**, relative to protection from infection by the human immunodeficiency virus and the hepatitis B virus. (Health, Human Services & Elderly Affairs)
298, psd 535-559, enr 665 (Chapter 83)
- SB 124**, relative to the operations of state correctional facilities. (Corrections & Criminal Justice)
298, K 670
- SB 125**, changing the name of the task force established for women at risk for alcohol and other abuse during pregnancy. (Health, Human Services & Elderly Affairs)
298, psd 535, 559, enr 665, appointments 971 (Chapter 84)
- SB 126**, continuing the Lamprey regional solid waste cooperative.
S com 978
- SB 127**, requiring that certain electric utility savings as a result of debt refinancings using tax-exempt pollution control revenue bonds be used for investment in energy conservation and efficiency. (Science, Technology & Energy)298, ext 563, am 676-677, psd 701, S conc 839, enr 893 (Chapter 263)
- SB 128**, relative to forest conservation.
S com 978
- SB 129**, relative to the overnight use of vessels and prohibiting the discharge of sewage into certain waters. (Resources, Recreation & Development)
298, Com 599, 977
- SB 130**, requiring disciplinary action against a physician for certain prohibited conduct. (Health, Human Services & Elderly Affairs)
298, ext 563, am 714, psd 736, S conc 839, enr 893 (Chapter 264)
- SB 131**, extending the reporting date for the committee studying gender equity in sports. (Legislative Administration)
298, psd 597, 615, enr 665 (Chapter 96)
- SB 132**, relative to the Revised Statutes Annotated, and creating a committee to study the rulemaking process. (Legislative Administration)
298, am 675-676, psd 701, S conc 705, enr 761, appointments 969 (Chapter 150)
- SB 133**, relative to the disciplinary, investigative and subpoena powers and the rulemaking authority of the board of chiropractic examiners. (Health, Human Services & Elderly Affairs)
298, Com changed 485, ext 563, 704, am 863-864, psd 866, S nonconc, conf 878, rep adop 898 (K)
- SB 134**, establishing a committee to study the need for reasonable standards and procedures for contracting services by the state. (Executive Departments & Administration)
298, ext 562, psd 732, 737, enr 761, appointments 969 (Chapter 153)
- SB 136**, establishing the New Hampshire education innovation fund and making an appropriation therefor.S com 978
- SB 137**, requiring municipalities to pay back to the state 50 percent of the moneys given to the municipalities as school building aid if the municipalities decide to use the buildings for purposes other than educational purposes. (Appropriations)
662, K 765
- SB 139-FN-A**, requiring the department of environmental services to design a river basin planning and assessment program and making an appropriation therefor. (Resources, Recreation & Development)
662, Approp 752, rules suspended 801, psd 821, 835, enr 879 (Chapter 217)
- SB 140**, requiring the department of environmental services to design and propose a water use permit program for future implementation and making an appropriation therefor.
S Com 978
- SB 141-FN-A**, removing the drug and alcohol treatment center, boot camp and halfway house from the Laconia developmental services building and selecting a consultant and establishing a committee to study the corrections system and making an appropriation therefor. (Corrections & Criminal Justice)
new title: establishing a study committee and authorizing the hiring of a private consultant or consultants to study the long-term needs for correctional facilities in New Hampshire, providing for design of the governors state park, and making appropriations therefor.
2nd new title: establishing joint corrections study and an advisory study committee and authorizing the hiring of a private consultant or consultants to study the long-term needs for correctional facilities in New Hampshire, providing for design of the governors state park, and making appropriations therefor.
298, ext 562, am & Approp 720-722, am 765, psd 802, S nonconc, conf 871, 888, rep adop 898, enr 915, appointments 970 (Chapter 318)
- SB 142-FN**, intercepting the sweepstakes winnings of delinquent child support payors. (Children, Youth and Juvenile Justice)
298, psd 533, 559, enr 666 (Chapter 85)
- SB 143-FN**, establishing a process for policy analysis of state agencies and making an appropriation therefor. (Legislative Administration)662, Com 748, 977

- SB 144**, relative to the legacies and successions tax on property jointly owned.
S com 978
- SB 145-FN**, relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers. (Regulated Revenues)
new title: relative to liquor licenses for full service restaurants and to fees for supplemental cocktail lounge licenses for caterers.
662, rem 739, am 755-757, psd 760, S conc 873, enr 893 (Chapter 278)
- SB 146**, regarding the use of medicaid enhancement funds.
S com 978
- SB 147**, requiring the legislative budget assistant to study the state restricted and dedicated funds. (Appropriations)
new title: requiring the legislative budget assistant to study the state restricted and dedicated funds and requiring reports from the house appropriations committee and the house ways and means committee.
299, rules suspended 801, am 840, psd 865, S nonconc, conf 877, rep adop 899, enr 915 (Chapter 319)
- SB 148**, making appropriations nonlapsing for regional vocational education tuition and transportation, and allowing the Kearsarge regional school district to hold its 1994 and 1995 annual meetings in such places as the officers deem appropriate. (Education)
662, Approp 739, rules suspended 801, psd 821, 835, enr 869 (Chapter 218)
- SB 149-FN**, relative to land surveying by proprietorships, corporations or partnerships. (Executive Departments & Administration)
299, ext 562, 704, Com 822, 977
- SB 151-FN-A-L**, requiring an animal population fee in addition to licensure fees for certain dogs and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. (Municipal & County Government)
new title: requiring an animal population fee in addition to licensure fees for certain dogs and establishing a state animal population control program and making an appropriation therefor.
299, Ways and Means (RC) 690-692, rules suspended 736, am & Approp 796-798, rules suspended 802, am (RC) 842-846, psd 865, S conc 873, enr 889 (Chapter 219)
- SB 152**, relative to the real estate transfer tax assessment when a deed is given in lieu of a foreclosure. (Ways & Means)
299, psd 678, 701, enr 706 (Chapter 111)
- SB 154-A**, establishing a regional vocational education center in Milford and making an appropriation therefor. (Public Works)
new title: relative to constructing regional vocational centers and making an appropriation therefor.
663, am & Approp 749, rules suspended 801, rem 821, am 835, psd 836, S conc 873, enr 894 (Chapter 265)
- SB 156-FN-A**, relative to the Portsmouth Naval Shipyard and making an appropriation therefor. (Appropriations)
663, K (RC) 766-768, recon & am (RC) 846-849, psd 865, S conc 873, enr 894 (Chapter 233)
- SB 158**, relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund, creating a bi-state commission for economic security and allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security. (Commerce, Small Business & Consumer Affairs)
new title: relative to economic security, establishing a housing security guarantee program and continually appropriating a special fund.
663, am & Approp 741-742, rules suspended 801, am 849, psd 865, S nonconc, conf 878, rep adop 899-900, enr am 913, enr 916 (Chapter 354)
- SB 159**, relative to technological development, relative to inventor assistance and making an appropriation therefor, and relative to a site for the Technology Research Park at the Pease International Tradeport. (Economic Development)
new title: relative to technological development and relative to inventor assistance and making an appropriation therefor.
663, rules suspended 702, 736 am & Approp 777-779, rules suspended 802, am 849, psd 865, S nonconc, conf 878, 880, rep adop 900, enr 915, appointments 972 (Chapter 327)
- SB 160**, relative to qualifications for unemployment benefits. (Labor, Industrial & Rehabilitative Services) 299, ext 563, am 674-675, psd 701, S conc 873, enr am 888, enr 909 (Chapter 288)
- SB 162-FN-L**, authorizing the sweepstakes commission to establish video lottery games. (Regulated Revenues)
663, Com (RC) 749-752, 977
- SB 163**, requiring a balanced state budget and relative to the return of general fund surpluses to the cities and towns.
S com 978

- SB 164-FN**, relative to the OHRV fund. (Transportation)
new title: relative to the OHRV fund and exempting certain all-terrain vehicles from being equipped with headlights and brake lights.
299, ext 563, rem 707, am & Approp 735-736, am 763, psd 802, S nonconc, conf 878, rep adop 900, enr 915 (Chapter 320)
- SB 165**, relative to certification of landscape architects.
S com 978
- SB 166**, requiring the department of transportation to continue with the Hillsborough reconstruction bypass project. (Public Works)663, K 764
- SB 167**, encouraging restaurants to practice source reduction at their establishments by requiring the establishment of a waste reduction certificate to be awarded by the department of environmental services. (Environment & Agriculture)
new title: requiring representatives of the New Hampshire Lodging and Restaurant Association, recycling organizations and New Hampshire waste management and hauling industries to formulate recycling strategies and goals.
489, am 739-740, psd 760, S conc 839, enr 869 (Chapter 220)
- SB 168-FN**, relative to oil terminal facility registration and small fuel oil facilities. (Resources, Recreation & Development)
299, ext 563, am & Ways and Means 752-755, rules suspended 760, psd 798, 803, S conc 873, enr am 913, enr 916, appointments 971 (Chapter 337)
- SB 169-FN-A**, enhancing the capability of the department of environmental services to perform environmental site assessment and remediation reviews required by lenders for the transfer of real property, creating a groundwater management permit fee to fund such enhanced capability, and making an appropriation therefor. (Resources, Recreation and Development)
663, rem 739, Ways and Means 757-758, rules suspended 760, am & Approp 798-799, rules suspended 801, 802, am 850, psd 865, S conc 874, enr 909 (Chapter 289)
- SB 170-FN-A-L**, relative to the distribution of meals and rooms tax revenue. (Ways and Means)
new title: relative to the distribution of meals and rooms tax revenue, establishing a minimum annual amount to be appropriated for revenue distribution to cities and towns, and relative to funding the revenue stabilization reserve account.
2nd new title: relative to the distribution of meals and rooms tax revenue and establishing a minimum annual amount to be appropriated for revenue distribution to cities and towns.
663, rules suspended 736, am & Approp 799, rules suspended 801, 802, am (2 RCs) 850-856, psd 865, S nonconc, conf 879, rep adop 901, enr am 913, enr 916 (Chapter 352)
- SB 172-FN**, making structural changes within the department of corrections. (Corrections & Criminal Justice)
new title: relative to certain unclassified positions in the department of corrections and requiring the legislative budget assistant to review and update the unclassified positions salary allocation study.
299, ext 562, am & Exec. Depts. (RC) 722-726, Approp 792-793, rules suspended 801, 802, am 856-857, psd 865, S nonconc, conf 878, rep adop 901-902, enr 915 (Chapter 321)
- SB 173**, creating a correctional industries advisory board. (Corrections & Criminal Justice)
299, am 670, psd 701, S conc 805, enr 866 (Chapter 221)
- SB 174-FN**, relative to the notice to counties when children are placed by a court order. (Children, Youth & Juvenile Justice)
299, ext 561, am 709, psd 736, S conc 839, enr 894 (Chapter 266)
- SB 175-FN**, relative to a compact between New Hampshire and other states and probationers and parolees. (Corrections & Criminal Justice)
299, psd 670-671, 701, enr 706 (Chapter 112)
- SB 176-FN-A-L**, relative to kindergarten programs in local school districts and requiring an appropriation therefor. (Education)663, am & Approp 728, rules suspended 801, K (RC) 857-860
- SB 177-FN**, relative to the Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth and the Cascade Street bridge between the city of Berlin and the town of Gorham and making an appropriation therefor. (Public Works)
new title: requiring the commissioner of transportation to widen Sagamore Creek bridge on U.S. Route 1 in the city of Portsmouth.
663, am 740-741, psd 760, S conc 874, enr 889 (Chapter 222)
- SB 178-FN**, allowing the state to acquire rail properties for other transportation purposes, including recreational trails and making an appropriation therefor. (Public Works)
663, rules suspended 736, am & Approp 795, rules suspended 801, 802, psd 840, 865, S conc 874, enr 894 (Chapter 267)

- SB 180-FN-L**, increasing the fee charged by the state on returned checks and making technical changes relating to enrollment and administrative provisions. (Education)
299, ext 562, am & Ways and Means 673-674, rules suspended 736, psd 800, 803, S conc 874, enr am 892, enr 915 (Chapter 322)
- SB 181-FN**, abolishing the New Hampshire retirement system special reserve account. (Executive Departments & Administration)
663, K 793
- SB 182-FN-L**, requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder. (Municipal & County Government)
new title: requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder; and granting municipalities an option for quarterly billing and collection of property taxes.
2nd new title: requiring tax collectors to mail a duplicate copy of a property tax bill to a lienholder, upon written request of the lienholder.
299, ext 563, am (RC) 692-697, psd 702, S nonconc, conf 871, rep adop 902, enr am 913, enr 916 (Chapter 347)
- SB 183-FN-L**, requiring the tax collector to notify certain mortgagees prior to execution of a tax deed. (Municipal & County Government)
299, Com 598, 977
- SB 184**, imposing a surcharge on tipping fees at a private solid waste landfills and continually appropriating a fund to the Governor's office of energy and community services.
S com 978
- SB 185-FN**, allowing the director of the division of human services to reorganize the rules of the medical assistance program. (Executive Departments & Administration)
299, ext 562, psd 732, 737, enr 761 (Chapter 151)
- SB 186-FN**, requiring the division of water supply and pollution control to set standards of design and construction for unconventional waste treatment systems. (Resources, Recreation & Development)
new title: requiring the division of water supply and pollution control to set standards of design and construction for innovative or alternative waste treatment systems.
299, am 599-600, psd 615, S conc 666, enr am 706, enr 817 (Chapter 172)
- SB 187-FN**, relative to public utility ratemaking. (Science, Technology & Energy)
299, ext 563, am 677-678, psd 701, S conc 839, enr 879 (Chapter 223)
- SB 189**, allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security.
S com 978
- SB 190-FN**, naming the Route 25 rest area in the town of Rumney as the Nathan Clifford Memorial Rest Area. (Public Works)
299, psd 598, 615, enr 666 (Chapter 97)
- SB 191-FN**, relative to the New Hampshire real estate practice act. (Commerce, Small Business & Consumer Affairs)
413, am 717-718, psd 737, S nonconc, conf 871, rep adop 902, enr am 914, enr 916 (Chapter 348)
- SB 192-FN**, relative to supplemental allowances for retirement system members. (Executive Departments & Administration)
663, K 758
- SB 193**, relative to liability under the hazardous waste, oil spillage and underground storage facilities laws and amending statutory definitions to clarify the secured creditor exemption. (Environment & Agriculture)
299, ext 562, am (RC) 783-792, psd 802, S conc 874, enr am 892, enr 915 (Chapter 323)
- SB 194-FN**, relative to seatbelt legislation. (Transportation)
299, ext 563, 665, K (RC) 832-835
- SB 196**, relative to municipal economic development, establishing a committee to study regional planning and economic development, allowing towns to establish industrial development authorities, relative to bonding for economic development projects, allowing local governments to share tax revenues arising from economic development, and establishing an economic development matching grants program and making an appropriation therefor. (Economic Development)
new title: relative to municipal economic development, establishing a committee to study regional and local economic development, and establishing an economic development matching grants program and making an appropriation therefor. 663, rules suspended 702, am & Approp 779-783, rules suspended 801, 802, psd 841, 865, S nonconc, conf 878, 880, rep adop 903, enr 915, appointments 970 (Chapter 328)

- SB 197-FN**, implementing Title V of the Clean Air Act. (Environment & Agriculture)
663, ext 704, am & Approp 747, rules suspended 801, am 860, psd 865, S nonconc, conf 878, rep adop (RC) 903-905, enr 915 (Chapter 329)
- SB 199**, relative to eligibility for medical benefits for group II retirement system members.
S com 978
- SB 200-FN-L**, relative to the payment of medical benefits to certain group II retirement system members. (Executive Departments & Administration)
663, rules suspended 736, 758, am 758-759, psd 760, nonconc S req for conf 871
- SB 202-FN**, relative to special plates and windshield placards for persons with walking disabilities. (Transportation) 299, ext 563, am 714-715, psd 737, S conc 839, enr 894 (Chapter 268)
- SB 203-FN-A**, clarifying the applicability of the meals and rooms tax to colleges and universities. (Ways & Means)
489, rules suspended 736, am 800-801, psd 803, S conc 839, enr 879 (Chapter 224)
- SB 204**, requiring certain hunters to wear hunter orange. (Wildlife & Marine Resources)
299, SO 614, K (RC) 620-623
- SB 205**, expanding the time during which a person is prohibited from using a light to locate wild birds or wild animals. (Wildlife & Marine Resources)
299, K 678
- SB 207-FN**, relative to work incentives for families receiving Aid to Families with Dependent Children. (Health, Human Services & Elderly Affairs)
299, SO 558, am & Approp 590-591, am 768-769, psd 802, S conc 839, enr 894 (Chapter 269)
- SB 209-FN-A**, relative to the children's health plan and making an appropriation therefor. (Health, Human Services & Elderly Affairs)
663, rules suspended 736, am & Approp 793-795, rules suspended 801, am 860-862, psd 865, S conc 874, enr am 914, enr 916, (S sustained veto)
- SB 210-FN**, relative to the division for children and youth services confidentiality statutes. (Children, Youth & Juvenile Justice)
413, ext 625, am (2 RCs) 823-831, psd 836, S conc 874, enr am 914, enr 916 (Chapter 355)
- SB 213-FN-A**, relative to advance reservations on rooms. (Ways & Means)
663, rules suspended 736, am 801, psd 803, S conc 839, enr 869 (Chapter 225)
- SB 214**, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief; and relative to appraisals for property tax purposes and establishing a study committee on property valuation.
S com 978
- SB 215-FN**, providing a cost of living adjustment for group II permanent firemen members of the New Hampshire retirement system. (Executive Departments & Administration)
663, rules suspended 736, 758, Com 760, 977
- SB 216-FN-L**, relative to persons and estates chargeable for support (Health, Human Services & Elderly Affairs)
663, am 747-748, psd 760, S conc 839, enr 894 (Chapter 270)
- SB 217-FN**, clarifying the laws relative to guardianship and expanding a guardian's powers. (Judiciary)
413, am 596-597, psd 615, S conc 666, enr 761 (Chapter 152)
- SB 218-FN**, relative to the child protection act. (Children, Youth & Juvenile Justice)
413, ext 625, am (3 RCs) 808-817, psd 818, S nonconc, conf 877, rep adop 905-906, enr am 914, enr 916, (S sustained veto)
- SB 220-FN-L**, relative to criminal history checks for school personnel and applicants. (Education)
new title: relative to criminal history checks for school personnel, applicants for certification or renewal, and contracted personnel.
413, am 728-729, psd 737, S nonconc, conf 871, rep adop 906, enr 915 (Chapter 324)
- SB 221-FN**, relative to grandparents' visitation rights. (Children, Youth & Juvenile Justice)
299, psd 533-534, 559, enr 666 (Chapter 98)
- SB 222-FN-A-L**, relative to property tax relief. (Appropriations)
663, rules suspended 801, K 841
- SB 223-FN**, allowing appeals of permanent impairment awards to the compensation appeals board. (Labor, Industrial & Rehabilitative Services)
299, ext 563, 665, psd 841, 865, enr 889 (Chapter 226)
- SB 224-FN**, relative to the statewide education improvement and assessment program and making an appropriation therefor. (Education)
new title: relative to the statewide education improvement and assessment program.
413, am & Approp 678-679, rules suspended 801, am 821-822, psd 836, S conc 874, enr 909, appointments 972 (Chapter 290)

- SB 225**, relative to shoreland protection.
S com 978
- SB 226**, relative to special number plates for reserve members.
S com 978
- SB 227-FN**, establishing a revenue-neutral initial public offering exemption for national securities markets and clarifying which securities markets do not qualify for an exemption. (Commerce, Small Business & Consumer Affairs)
299, ext 562, K 718
- SB 228**, relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration. S com 978
- SB 229-FN-L**, relative to the requirements for sprinkler systems. (Public Protection)
299, K 714
- SB 230-FN**, relative to sprinkler systems in residential care homes and supported residential care facilities. (Commerce, Small Business & Consumer Affairs)
299, Com 669, 977
- SB 231-FN-A-L**, relative to lead poisoning and control and continually appropriating a fund to the director of public health services. (Health, Human Services & Elderly Affairs)
663, am & Exec Depts 748, rules suspended 760, SO 793, rules suspended 802, Approp (RC) 806-808, recon rej 817, am 862-863, psd 866, S conc 874, enr 915 (Chapter 325)
- SB 234-FN-A-L**, relative to the return of revenue to cities and towns (Appropriations)
663, rules suspended 801, Com 841, 977
- SB 235-FN-L**, relative to involuntary emergency admissions. (Judiciary)
300, SO 558, Com (RC) 591-594, 977
- SB 236-FN-A**, allowing a tax credit against the business profits tax for certain businesses. (Economic Development) 663, rules suspended 702, 736, SO 783, Com 805, 977
- SB 239-FN-L**, relative to the public utilities commission. (Science, Technology & Energy)
300, ext 563, rem 667, am 700-701, psd 702, S nonconc, conf 871, rep adop 906, enr 915 (Chapter 326)
- SB 240**, relative to the workers' compensation appeals board. (Labor, Industrial & Rehabilitative Services) 300, ext 563, 665, am 841, psd 865, S conc 874, enr 894 (Chapter 271)
- SB 241-FN-A**, increasing the cap on the continually-appropriated revolving fund for educational publications. (Education)
new title: increasing the cap on the continually-appropriated revolving fund for educational publications, and establishing a revolving fund for training and publications in the division of personnel, department of administrative services.
300, ext 562, am & Approp 679-680, psd 769, 802, S conc 839, enr 879 (Chapter 227)
- SB 244**, increasing the penalties for persons convicted of negligent homicide, including mandatory license revocation. (Corrections & Criminal Justice)
new title: relative to the penalties for persons convicted of negligent homicide.
300, ext 562, am 712, psd 736, S conc 874, enr 894, (Chapter 272)
- SB 245**, changing the penalties for driving while intoxicated or under the influence of drugs. (Corrections & Criminal Justice)
300, ext 562, am 726-727, psd 737, S nonconc 838
- SB 247-FN**, clarifying who is subject to refusal of consent provisions for DWI under the OHRV and boating laws and requiring blood alcohol testing in certain boating accidents. (Corrections & Criminal Justice)
new title: relative to refusal of consent for DWI under the OHRV and boating laws, requiring blood alcohol testing in certain boating accidents, establishing a pilot program for additional intervention programs and repealing the law eliminating the DWI intervention program.
300, ext 562, am 712-713, psd 736, S conc 874, enr 894 (Chapter 273)
- SB 248-FN-A**, establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in southern New Hampshire. (Economic Development)
new title: establishing a committee to study the feasibility of locating a convention center, conference complex, sports stadium or combination center in New Hampshire.
413, am 671-672, psd 701, S conc 805, enr 879, appointments 970 (Chapter 228)
- SB 249-FN**, relative to the issuance of tax anticipation notes by village districts. (Municipal and County Government)
intro, rules suspended, psd & enr 961 (Chapter 361)

1993 SESSION
SENATE CONCURRENT RESOLUTION

SCR 1, in support of an intercity passenger rail system. (Transportation)

new title: in support of an alternative transportation.

300, rem 595, SO 614, am 623, psd 624, S conc 666

1993 SESSION

CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

CACR 1, relating to establishing a constitutional revenue stabilization fund. Providing that ten percent of all undesignated general fund revenues shall be deposited into a revenue stabilization fund, which may be withdrawn by the legislature, subject to certain conditions. (R. Campbell, Belk 4, to Constitutional and Statutory Revision)

46, ext 89, SO 336, K 343

CACR 2, relating to expanding the purpose and scope of the highway fund. Providing that highway fund moneys may be appropriated for public transportation. (Senter, Rock/16, et al, to Public Works)

46, K 125-126

CACR 3, relating to mandated programs. Providing that "the state" shall include the state legislature or any state regulatory agency. (D. Young, Ches/2, to Constitutional and Statutory Revision)

46, ext 89, SO 336, Com 343, 977

CACR 4, relating to requiring that the attorney general be elected by the legislature. Providing that the attorney general be chosen by joint ballot of the senators and representatives. (Burling, Sull/1, to Constitutional and Statutory Revision)

46, ext 89, SO 336, K 343

CACR 5, relating to the election of judges. Providing that judges be elected for specified terms. (Hemon, Straf/11, to Constitutional and Statutory Revision)

46, ext 89, SO 336, K 343

CACR 6, relating to term limits for state and county offices. Providing that no person shall hold state or county offices for more than 6 terms or 12 years. (D. Hall, Merr/10, et al, to Constitutional and Statutory Revision)

new title: relating to term limits for certain state and county offices. Providing that no person shall hold certain state or county offices for more than 6 consecutive terms or 12 consecutive years.

46, ext 90, am & K (RC) 420-423

CACR 7, relating to establishing a statewide referendum procedure for the repeal of state statutes. Providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum. (Gorman, Rock/8, et al, to Constitutional and Statutory Revision)

46, ext 90, Com 423, 977

CACR 8, relating to broad base, sales and income taxes. Providing that there shall be no broad base, sales or income taxes in the state of New Hampshire, or increases in any such tax upon their passage, without the approval of 2/3 of the voters present and voting in a popular referendum. Upon the passage of any such tax or taxes, real property taxes shall be reduced by 2/3 accordingly and permanently. (Domaingue, Hills/44, to Constitutional and Statutory Revision)

46, ext 90, K 427

CACR 9, relating to a 4-year term for the office of governor. Providing that the governor shall be elected every 4 years. (Teague, Merr/20, et al, to Constitutional and Statutory Revision)

46, ext 90, adop (RC) 427-429, SO 455, recon, am, rules suspended & adop (RC) 459-462, S nonconc 706

CACR 10, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money. (Rice, Belk/7, et al, to Constitutional and Statutory Revision)

46, ext 90, rcmt 429, SO 558, K (RC) 585-587

CACR 11, relating to summary incarceration in criminal contempt cases. Providing that criminal contempt defendants shall be specifically included in Part I, Article 15 of the New Hampshire constitution. (Holden, Hills/14, to Constitutional and Statutory Revision)

62, ext 90, Com 430, 977

CACR 12, relating to citizen-proposed legislation, constitutional amendments and statutory provisions. Providing that citizens of New Hampshire may directly propose legislation and constitutional amendments by initiative petition, and approve or reject statutory provisions by referendum. (B. Hall, Hills/20, et al, to Constitutional and Statutory Revision) 62, ext 90, Com 430, 977

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5	HB 112-FN	55	HB 261-FN	105	HB 418
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28	HB 224-FN	78	SB 37	128	HB 349
29	HB 248	79	SB 38	129	HB 353
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32	HB 277	82	SB 114	132	HB 486
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157	HB 166	212	SB 83	267	SB 178-FN
158	HB 216	213	SB 96	268	SB 202-FN
159	HB 271	214	SB 102	269	SB 207-FN
160	HB 313	215	SB 111	270	SB 216-FN
161	HB 332	216	SB 117	271	SB 240
162	HB 340	217	SB 139-FN-A	272	SB 244
163	HB 393	218	SB 148-FN	273	SB 247-FN
164	HB 600-FN	219	SB 151-FN-A	274	HB 184
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172	SB 186-FN	227	SB 241-FN-A	282	HB 437-FN
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179	HB 171-FN	234	HB 575-FN	289	SB 169-FN-A
180	HB 176-FN	235	HB 114	290	SB 224-FN
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183	HB 244	238	HB 182-FN	293	HB 147-FN-A
184	HB 275	239	HB 197	294	HB 172-FN
185	HB 278	240	HB 214-FN-A	295	HB 218-FN-A
186	HB 284	241	HB 221-FN	296	HB 243
187	HB 303	242	HB 245-FN	297	HB 268
188	HB 352	243	HB 292	298	HB 297
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195	HB 500	250	HB 597-FN	305	HB 469-A
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319	SB 147	334	SB 65	349	HB 1-A
320	SB 164-FN	335	SB 87	350	HB 51-FN-A
321	SB 172-FN	336	SB 106	351	SB 94
322	SB 180-FN	337	SB 168-FN	352	SB 170-FN-A
323	SB 193	338	HB 258-FN	353	HB 674-FN
324	SB 220-FN	339	HB 227	354	SB 158
325	SB 231-FN-A	340	HB 417-FN	355	SB 210-FN
326	SB 239-FN	341	HB 435-FN	356	SB 112
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330	HB 136-FN	345	SB 9	360	HB 27
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BILLS RE-REFERRED TO COMMITTEE BY HOUSE

- HB 123**, establishing a committee to study the conversion of weight and speed regulations to metric linear measures and metric values.
- HB 127**, relative to private lease of state railroad real estate.
- HB 134**, relative to penalties, definitions, licenses, permits, registrations, and rulemaking under the weights and measures laws and relative to changing the terms "inspector" and "sealer" to "enforcement officer" and repealing the law governing the sale of wood.
- HB 145**, allowing voters in towns to petition to extend the hours of polling.
- HB 154**, modifying the definition of high tide as it applies to wetlands.
- HB 155**, charging back the costs of education for children in homes or health care facilities to the sending district.
- HB 161**, increasing the amount paid to members of the adult parole board and making an appropriation therefor.
- HB 162**, returning all municipal ordinance fines to the municipality.
- HB 170**, authorizing the business finance authority to accept private funds for investment purposes.
- HB 178**, relative to the procedures of the board of examiners of psychology and mental health practice.
- HB 190**, giving the department of resources and economic development stewardship over certain abandoned rail lines.
- HB 192**, changing the procedure for submission of proposed rules by the air resources division.
- HB 193**, changing the school foundation aid distribution formula.
- HB 195**, relative to the sale of cider.
- HB 203**, authorizing the appropriation of funds to compensate the board of engineers for unforeseen expenses related to investigations and enforcement.
- HB 210**, limiting the use of off highway recreational vehicles near occupied residences.
- HB 211**, requiring the department of fish and game to establish a sound process for the opening, closing and monitoring of shellfish waters.
- HB 239**, granting municipalities an option for quarterly billing and collection of property taxes.
- HB 257**, relative to the disposition of revenue received by the bureau of common carriers, department of safety.
- HB 260**, establishing a used oil collection act program and an automotive oil road toll to fund such program.
- HB 267**, establishing the crime of luring a minor.
- HB 279**, establishing a committee to examine the effects of phosphorus and phosphorus-based products on the water quality of New Hampshire lakes, ponds, and rivers.
- HB 285**, establishing a study committee to review treatment by the court system of women and children in marital and domestic violence disputes.
- HB 308**, establishing a committee to study the viability of SAUs, and whether a school district should vote on whether to belong to an SAU.
- HB 311**, increasing the membership on the New Hampshire retirement system board of trustees.
- HB 317**, establishing a grant program for closure of unlined solid waste landfills.
- HB 319**, establishing a committee to study the feasibility of using sand or chemicals other than salt for highway snow and ice removal.
- HB 325**, allowing elderly persons who have placed their homes in living trusts to retain their elderly property tax exemptions for the duration of their life estates.
- HB 350**, authorizing municipalities and the public utilities commission to regulate cable television rates to the extent that federal law permits.
- HB 362**, requiring vehicle light use during any period windshield wipers are in operation.
- HB 370**, establishing a local government advisory committee.
- HB 377**, allowing persons 21 years of age or older to transport partially consumed bottles of wine from on-sale licensed establishments.
- HB 387**, relative to the use of gender neutral language in New Hampshire.
- HB 388**, relative to disclosures by the seller of real property.
- HB 389**, relative to information which need not be disclosed in the sale of property.

- HB 394**, relative to discrimination in automobile insurance policies.
- HB 395**, relative to death with dignity for certain persons suffering terminal illness.
- HB 401**, rejecting the "fireman's rule" in New Hampshire.
- HB 403**, prohibiting cable television companies from charging for more than one cable connection per residence.
- HB 404**, relative to reporting requirements for political committees.
- HB 410**, relative to the election of town officers and the appointment of a deputy town treasurer.
- HB 411**, relative to the hours of polling in cities and towns.
- HB 413**, relative to plumbers and plumbing.
- HB 414**, providing a 2 percent cost of living adjustment for permanent firemen members of the retirement system.
- HB 421**, relative to reorganization of the executive branch of state government.
- HB 438**, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number.
- HB 439**, relative to the profession of engineering.
- HB 442**, creating the New Hampshire trade port commission.
- HB 444**, allowing citizens to register to vote while applying for driver's licenses.
- HB 449**, relative to listing candidates on general election ballots.
- HB 451**, regulating naturopathic health care practice.
- HB 458**, requiring a waiting period for applicants for public assistance who terminate their employment voluntarily.
- HB 459**, establishing a demonstration program for a long-term residential treatment program for pregnant and post-partum substance abusing women and their children and making an appropriation therefor.
- HB 472**, exempting certain used oil marketers from the hazardous waste cleanup fund fees.
- HB 480**, limiting the liability of landowners who allow their land to be used for outdoor recreational or educational purposes.
- HB 491**, requiring that certain medicaid enhancement funds be used to augment the funding distributed under the Augenblick formula for state aid to education.
- HB 496**, making ownership of a pharmacy by certain medical professionals grounds for pharmacy permit suspension or revocation.
- HB 497**, allowing towns and school districts to use the official ballot for any issue before the voters.
- HB 502**, relative to public trust water rights in New Hampshire.
- HB 517**, to establish a statewide bingo game.
- HB 519**, making technical changes in the mental health laws and relative to persons providing active care services.
- HB 520**, eliminating straight ticket voting on the ballot.
- HB 523**, requiring emblems to assist firefighters to be placed on certain buildings.
- HB 525**, relative to city budgets for school districts.
- HB 526**, relative to insurance reimbursement for prescription goods and services by New Hampshire pharmacists.
- HB 527**, relative to limiting the taking of deer in Rockingham county.
- HB 544**, relative to telephone solicitation.
- HB 545**, authorizing the state to enforce domestic violence protective orders issued in other states.
- HB 569**, relative to flammability testing of seating furniture manufactured for public buildings.
- HB 570**, creating a statewide current use reimbursement program.
- HB 576**, relative to the taxation of meals.
- HB 579**, relative to the right of police officers to recover for injuries caused by the wanton or willful conduct of others.
- HB 583**, requiring the commissioner of administrative services to adopt rules changing the amount of general liability insurance required and the language of the general liability insurance provision for state contracts.
- HB 586**, exempting certain OHRVs from registration fees.

- HB 599**, allowing school districts to contract with selected secular schools for the education of the district's children, and granting school districts an option to implement an education voucher program.
- HB 610**, requiring the development of plans and procedures for the coordination of marine patrol law enforcement activities on New Hampshire tidal waters and requiring the marine patrol to use the Coast Guard equipment standards on New Hampshire tidal waters exclusively.
- HB 616**, providing for property tax relief and making an appropriation therefor.
- HB 618**, limiting the amount a town or city may receive from sale of property taken in default of redemption.
- HB 622**, relative to solid waste management districts.
- HB 625**, relative to the sale of fireworks and levying a tax thereon.
- HB 628**, requiring the department of safety to keep drivers' records confidential except for certain reasons.
- HB 630**, relative to promoting fire safety and diminishing fire losses by requiring the availability of fire extinguishers.
- HB 632**, relative to filing requirements for candidates running for the office of state representative.
- HB 634**, establishing a committee to study the feasibility of providing a data processing center to produce up-to-date checklists.
- HB 635**, relative to social security cost-of-living increases to certain recipients of assistance.
- HB 639**, establishing a review board to address grievances of tenants and owners of manufactured housing parks and making an appropriation therefor.
- HB 647**, requiring the department of transportation to study the feasibility of a bypass around the town of Troy and to reconstruct the N.H. Routes 9 and 119 bridges over the Connecticut river and making an appropriation therefor.
- HB 652**, requiring state fees to reflect only the direct and indirect costs of a program funded or function provided.
- HB 656**, to extend medical benefits to group II members on disability retirement who became group II members after June 30, 1988, but before July 1, 1991.
- HB 659**, relative to road tolls on users of special fuel.
- HB 660**, relative to drug forfeiture.
- HB 661**, relative to the highway and bridge betterment program fund, establishing transportation programs, increasing the road toll on users of motor fuel, and levying a gasoline floor tax.
- HB 670**, repealing the authority of the fish and game department to regulate the taking and sale of clams, clam worms, and oysters and granting municipalities such authority.
- HB 676**, relative to unfunded state mandates and exempting political subdivisions from certain fees imposed by the department of environmental services.
- HB 677**, relative to the term of office for commissioners of state departments.
- HB 678**, relative to unfunded state mandates and exempting political subdivisions from certain administrative fines.
- HB 679**, relative to unfunded mandates, limiting the catastrophic aid liability of school districts, and requiring notice and public hearing of state education plans.
- HB 680**, relative to unfunded mandates and removing the requirement that a town give notice to certain landowners prior to the discontinuance of certain highways.
- HB 683**, relative to unfunded mandates and removing certain duties of local officials regarding the checklist and voter registration.
- HB 686**, relative to legislative review of proposed administrative rules.
- HB 688**, relative to the felonious use of crossbows.
- HB 691**, relative to gaming revenues and establishing a committee to study the marketing of state lotteries and attitudes concerning the expansion and regulation of gambling in the state and making an appropriation therefor.
- HBI 1**, relating to wiretapping and eavesdropping.
- HCR 5**, urging the federal government to pay \$50 to AFDC recipients for each time period represented by the amount in arrears.

- HR 18**, requesting an opinion of the justices concerning the constitutionality of an amendment to HB 257-FN.
- SB 27**, establishing a committee to study the apportionment of county taxes.
- SB 43**, relative to the state board of auctioneers.
- SB 59**, relative to the privacy act.
- SB 68**, establishing a challenge grant to restore and preserve the Nansen ski jump facility.
- SB 129**, relative to the overnight use of vessels and prohibiting the discharge of sewage into certain waters.
- SB 143**, establishing a process for policy analysis of state agencies and making an appropriation therefor.
- SB 149**, relative to land surveying by proprietorships, corporations or partnerships.
- SB 162**, authorizing the sweepstakes commission to establish video lottery games.
- SB 183**, requiring the tax collector to notify certain mortgagees prior to execution of a tax deed.
- SB 215**, providing a cost of living adjustment for group II permanent firemen members of the New Hampshire retirement system.
- SB 230**, relative to sprinkler systems in residential care homes and supported residential care facilities.
- SB 234**, relative to the return of revenue to cities and towns.
- SB 235**, relative to involuntary emergency admissions.
- SB 236**, allowing a tax credit against the business profits tax for certain businesses.

CACRS RE-REFERRED TO COMMITTEE BY HOUSE

- CACR 3**, relating to mandated programs. Providing that "the state" shall include the state legislature or any state regulatory agency.
- CACR 7**, relating to establishing a statewide referendum procedure for the repeal of state statutes. Providing that citizens of New Hampshire may directly repeal state statutory provisions by referendum.
- CACR 11**, relating to summary incarceration in criminal contempt cases. Providing that criminal contempt defendants shall be specifically included in Part I, Article 15 of the New Hampshire constitution.
- CACR 12**, relating to citizen-proposed legislation, constitutional amendments and statutory provisions. Providing that citizens of New Hampshire may directly propose legislation and constitutional amendments by initiative petition, and approve or reject statutory provisions by referendum.

BILLS RE-REFERRED TO COMMITTEE BY SENATE

- HB 106**, removing the requirement that the state vaccinate bovines against brucellosis.
- HB 167**, clarifying circumstances under which a person is justified in using deadly force.
- HB 280**, relative to zoning requirements for family day care homes.
- HB 288**, relative to teacher representation on the New Hampshire retirement system board of trustees.
- HB 341**, relative to a small employer insurance availability act and standardized medical benefits forms.
- HB 382**, changing the annual rate of interest on judgments and business transactions.
- HB 386**, establishing a committee to study the district court system.
- HB 510**, relative to certificate of election blanks, write-in votes, and the emergency interim succession act, and establishing a committee to study the enforcement of the election laws relative to political expenditures and contributions.
- HB 514**, amending the election laws relative to the political calendar and election ballots and the registration and reporting requirements for candidates and political committees.
- HB 531**, prohibiting persons from running as candidates on more than one party ticket in state primary and general elections.
- HB 541**, relative to the reporting procedures required for disclosure of contributions for candidates and political committees in state elections.
- HB 591**, authorizing counties and municipalities to allow payment of local taxes, fees and other charges by credit card.

- HB 624**, creating a unit within the department of environmental services to certify certain scientists.
- SB 32**, relative to certified pharmacy technicians.
- SB 33**, relative to licensing of certified public accountants.
- SB 58**, allowing multiple employers to consolidate employment and wage information for purposes of unemployment compensation contributions.
- SB 63**, relative to impoundment of motor vehicles in which an act of prostitution has occurred.
- SB 90**, relative to child support enforcement and child support payments.
- SB 99**, relative to private charitable trust funds.
- SB 126**, continuing the Lamprey regional solid waste cooperative.
- SB 128**, relative to forest conservation.
- SB 136**, establishing the New Hampshire education innovation fund and making an appropriation therefor.
- SB 140**, requiring the department of environmental services to design and propose a water use permit program for future implementation and making an appropriation therefor.
- SB 144**, relative to the legacies and successions tax on property jointly owned.
- SB 146**, regarding the use of medicaid enhancement funds.
- SB 163**, requiring a balanced state budget and relative to the return of general fund surpluses to the cities and towns.
- SB 165**, relative to certification of landscape architects.
- SB 184**, imposing a surcharge on tipping fees at private solid waste landfills and continually appropriating a fund to the governor's office of energy and community services.
- SB 189**, allowing the housing finance authority to issue guarantees of certain home mortgage loans to help provide housing security.
- SB 199**, relative to eligibility for medical benefits for group II retirement system members.
- SB 214**, requiring municipalities to give notice to property taxpayers of their right to seek tax abatements, tax exemptions and other forms of tax relief; and relative to appraisals for property tax purposes and establishing a study committee on property valuation.
- SB 225**, relative to shoreland protection.
- SB 226**, relative to special number plates for reserve members.
- SB 228**, relative to the rate of interest on overpayments and delinquencies on taxes administered by the department of revenue administration.